Bombay Regulations

1799-1816.

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BOMBAY REGULATIONS,

FROM

1799 TO 1816.

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II.—A Rule, Ordinance, and Regulation, for widening the Wheels of Hackeries and other native Conveyances: Passed in Council on the 7th day of June 1815, *and registered in the Court of the Recorder of Bombay on the 20th day of July* 1815 449

III.—A Rule, Ordinance, and Regulation, for enlarging, explaining, and amending Rule, Ordinance, and Regulation I. and Rule, Ordinance, and Regulation III. of 1812; *the former passed by the Honourable the Governor in Council on the 25th of March* 1812, *and registered in the Court of the Honourable the Recorder on the 20th of May following; and the latter passed by the Honourable the Governor in Council on the 4th of November* 1812, *and registered in the same Court on the 26th day of December next ensuing; and for other beneficial purposes: Passed by the Right Honourable the Governor in Council on the 5th July* 1815, *and duly published and registered in the Court of the Recorder of Bombay on the 15th day of August* 1815 460

A.D. 1816.

I.—A Regulation for modifying and amending the Rules which have been passed for admitting Persons of certain Descriptions to sue in the Courts of Civil Judicature as Paupers: Passed by the Right Honourable the Governor in Council on the 31st of January 1816 459

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II.—A Regulation for amending part of Regulation II. 1814, entitled "A "Regulation for establishing the Office of Tullaties or Village Accoun- "tants, and defining the Duties of the said Office in the British Territories "under the Presidency of Bombay:" Passed by the Governor in Council on the 31st January 1816 464

III.—A Regulation to explain and modify the existing Rules respecting the Records of Proceedings to be kept by the several Courts of Judicature: Passed by the Right Honourable the Governor in Council on the 10th of April 1816 ... ... *ib.*

IV.—A Regulation for the Manufacture and Sale of Spirituous Liquors and Toddy in the several Collectorships under the Presidency of Bombay: Passed by the Right Honourable the Governor in Council on the 17th of April 1816 465

V.—A Regulation for preventing the Exportation by Sea of Saltpetre, from any of the Ports subject to the Presidency of Bombay, on Vessels not being the Property of British Subjects; and for prohibiting the Importation of that Article from the Interior into any of the foreign Settlements, situated within the Limits of the said Presidency: Passed by the Right Honourable the Governor in Council on the 6th of June 1816 477

VI.—A Regulation for defining the Date from which the Thakore of Bhownaghur, as a Landholder within the Honourable Company's Pergunnah of Gogo, Dhundooka, and Ranpoor, shall be amenable to the Jurisdiction of the Courts established for the Administration of Justice: Passed by the Right Honourable the Governor in Council on the 17th of July 1816 ... 478

VII.—A Regulation for altering and prescribing the Date on which the Provisions of Regulation XIV. 1815, entitled "A Regulation for levying a Stamp "Duty on certain Law and other Papers and Documents, under the Presi- "dency of Bombay, and in the Territories subordinate thereto," are to be considered in force within the Zillahs of Surat and Broach only; and for modifying Part of Section XXXII. of the said Regulation, respecting Petitions to be preferred to the Governor in Council: Passed by the Right Honourable the Governor in Council on the 14th of August 1816 479

VIII.—A Regulation for prescribing the Manner in which Manifests of Goods imported in Dows, Dingeys, Bottellas, and every other Description of small Craft, are in future to be drawn out and delivered into the respective Custom-houses dependent on the Presidency of Bombay: Passed by the Right Honourable the Governor in Council on the 16th of October 1816 480

IX.—A Regulation vesting the Collector at Anjar, his Assistant, and Native Commissioners, with Powers to hear and determine Civil Suits, and with magisterial Authority for the Apprehension and Trial of Persons charged with Crimes or Misdemeanors: Passed by the Right Honourable the Governor in Council on the 6th of November 1813 481

X.—A Regulation for modifying certain Parts of Regulation X. 1813: Passed by the Right Honourable the Governor in Council on the 11th of December 1816 484

REGULATIONS.

A. D. 1799. REGULATION I.

A REGULATION *for forming into a regular Code all Regulations that may be enacted for the internal Government of the British Territories under the Presidency of Bombay*: PASSED *by the Governor in Council on the 19th November* 1799 *(corresponding with the 7th Kartik Vud, Sumbut or Vekramajit Era*, 1856; *Salbahan*, 1721; *and 20th Jemady ussany*, 1214 *Hejry)*.

I. IT is essential to the future prosperity of the British territories under the Presidency of Bombay, that all Regulations which may be passed by Government, affecting, in any respect, the rights, persons, or property of their subjects, should be formed into a regular code, and printed, with translation, in the country language; that the grounds on which each Regulation may be enacted should be prefixed to it; and that the Courts of Justice should be bound to regulate their decisions by the rules and ordinances which those Regulations may contain. A code of Regulations, framed upon the above principles, will enable individuals to render themselves acquainted with the laws upon which their security depends, and the mode of obtaining speedy redress against every infringement of them; the Courts of Justice will be able to apply the Regulations according to their true intent and import; future Administrations will have the means of judging how far Regulations have been productive of the desired effect, and when necessary, to modify or alter them, as from experience may be found advisable; new Regulations not to be made, nor those which may exist be repealed, without due deliberation; and the causes of future decline or prosperity will always be traceable in the code to their source. The Governor in Council has according enacted as follows:

Rules and orders affecting the rights, persons, or property of the people, to be formed into Regulations, and printed and published as hereafter directed.

II. Every rule or order that may be passed by the Governor in Council, regarding the administration of justice, the imposition or levying of taxes, or of duties on commerce, the collection of the public revenue assessed upon the lands, the rights and tenures of the proprietors and cultivators of the soil, the provision of the Company's investment, manufacture of salt, and generally all Regulations affecting in any respect the rights, persons, or property of the natives, or any individuals who may be amenable to the country Courts of Judicature, shall be recorded in the Judicial Department, and there framed into a Regulation, and printed and published, as hereafter directed.

III. The

Regulations to be numbered. First Regulation, as passed in each year, to be numbered *one*, and the subsequent Regulations in their order.—Number of each Regulation, and the year in which it may be passed, to be inserted at the top of the page.

III. The Regulations passed annually shall be numbered. The first Regulation enacted in each year shall be numbered *one*, and all subsequent Regulations according to the order in which they may be passed. The number of each Regulation, and the year in which it may be enacted, is to be inserted at the top of every page, as in this Regulation.

A title to be prefixed to every Regulation.

IV. Every Regulation shall have a title expressing the subject of it as concisely as possible, similiar to the title prefixed to this Regulation.

Regulations to have a preamble, stating the grounds of their enaction.

V. *First.* There shall be a preamble to every Regulation, stating the reasons for the enacting of it.

Reasons for repealing or modifying former Regulations to be detailed in the preamble.

Secondly. If any Regulation shall repeal or modify a former Regulation, the reasons for such repeal or modification are to be detailed in the preamble.

Regulations to be divided into sections and numbered.—Preamble to be the first section.—Sections may be divided into clauses.

VI. Every Regulation is to be divided into sections; each section shall be numbered according to the order in which it may occur. The preamble is to be considered as the first section. The sections, where necessary, may be divided into clauses; in which case each clause is to be numbered, in the same manner as the clauses in Section V.

Reference to clauses, sections, or Regulations, how to be made.

VII. In framing a Regulation, if there shall be occasion to refer to any clause or section of a Regulation, or any Regulation at large (as for example, the second clause of the fifth section, or the fifth section of this Regulation, or this Regulation generally), the reference, in each case, shall be expressed in the following manner: Clause second, Section V, Regulation I, 1799; Section V, Regulation I, 1799; Regulation I, 1799.

Subject of clauses and sections to be inserted in a marginal note.

VIII. The subject of every section and clause shall be inserted opposite to it in the margin, as concisely as possible.

Size of the paper on which Regulations are to be printed.

IX. Every Regulation is to be printed on paper of the same size as the paper on which this Regulation is printed.

Index to the Regulations passed annually to be prepared.

X. At the expiration of each year a copious index to the Regulations passed during the course of it shall be prepared and bound up with them.

Ten of the English copies of the Regulations, bound up with the index, to be sent to the Court of Directors annually.

XI. Ten of the English copies of the Regulations passed annually, bound up with the index, shall be transmitted to the Honourable the Court of Directors by the two first ships that may be despatched for England after the volumes are completed. Five copies are to be sent in each of the two ships. The remainder of the one hundred copies shall be distributed in such proportions as the Governor in Council may direct.

Persons and things to be described by the same designations and terms throughout the judicial code.

XII. In the English drafts of Regulations, the same designations and terms are to be applied to the same descriptions of persons and things, in order that rights, property, tenures, privileges, deeds, courts, process, offices, officers, and generally all persons and things, may be uniformly described by the same designations and terms throughout the judicial code.

Regulations, with marginal notes, to be translated into the country language.

XIII. Every Regulation, with the marginal notes, shall be translated into the country language, by such person as the Governor in Council may expressly appoint for that purpose. The number of the Regulation, and the year in which it may be passed, and the numbers of the sections and clauses,

clauses, shall be inserted in the translates, in the same manner as in the English drafts of the Regulations.

XIV. The translator is to be particularly careful to preserve in the translates the same uniformity in the designations and terms applied to persons and things, as is directed with regard to the English code in Section XII. Whenever he shall have occasion to insert the designation or name of any person or thing, that he may have reason to believe may not be intelligible to the natives in general, and which may not have been used and explained in the translates of any former Regulations, he shall, in the first passage in which such word or term may occur, subjoin an explanation of it, that upon its recurring no doubt may be entertained as to its true meaning and import.

Uniformity in designations and terms applied to persons and things to be carefully observed in the translates. — All designations and terms not before used to be explained in the translates.

XV. It shall be the duty of the translator to revise the proof sheets of the printed translates, and to correct all errors of the press.

Translator to correct errors of the press in the printed translates.

XVI. The translator is to translate the Regulations into plain and easy language, and in all possible cases to reject words not in common use, as far as may be consistent with the preservation of the true meaning and spirit of the Regulations. He shall adopt the idiom of the native languages instead of giving a close verbal translation of the English drafts, which must necessarily render the translates obscure, and often unintelligible to the natives.

Translations to be made in plain and easy language, and the idiom of the languages to be adopted.

XVII. One part of a Regulation is to be construed by another, so that the whole may stand.

One part of a Regulation to be construed by another.

XVIII. If any Regulation shall be passed differing from a former Regulation, either wholly or partially, the new Regulation is to be considered as a virtual repeal of the old one, as far as it may differ from the latter, provided that the new Regulation be couched in negative terms, or by its matter necessarily imply a negative.

Rules for construing new Regulations, differing wholly or partially from former Regulations.

XIX. If a Regulation that rescinds another Regulation is itself afterwards rescinded, the original Regulation is to be considered as revived, without any formal declaration to that purpose.

Repealed Regulation revived by the rescinding of the repealing Regulation.

A. D. 1799. REGULATION II.

A REGULATION *for preventing Foreigners of every Description from landing at the Presidency of Bombay and its Dependencies, without Permission from Government:* PASSED *by the Governor in Council, on the* 19*th day of August* 1799 *(corresponding with the* 4*th Shraven Vud Sumbut, Vekramajit Era* 1856; *and the* 16*th Rubbee-ul-uvel,* 1214 *Hejry).*

I. WHEREAS it is expedient to prevent Foreigners of every description from landing at this Presidency and its dependencies without permission from the Government, the following rules are enacted for this purpose, and for the better regulation of the police of the port of Bombay in general.

The expediency of prohibiting unlicensed Foreigners from landing at the Presidency of Bombay and its dependencies adverted to, and rules, in consequence, enacted.

II. No

Foreign vessels to be inspected previously to any person being permitted to disembark.

II. No person whatever to be permitted to disembark from any foreign vessel, until such vessel shall have been inspected by the proper officer, and regular permission, in consequence, obtained.

Rule to be observed, on the importation of foreign vessels, as to their passengers and ships' companies.

III. For this purpose, official notice (according to the subjoined form) under the signature of the Secretary to the Government, is to be dispatched to all foreign vessels, on their approach to this harbour, informing their commanders of the foregoing resolution, and requiring them to prepare lists of their passengers and ships' companies, for delivery to the inspecting officer; which lists shall, if required, be authenticated by the affidavit of the commander and senior officer of each vessel respectively.

FORM.

"SIR:

"*First.* You are hereby informed of the resolution of the Go-
"vernor in Council, that no person will be permitted to land from your
"vessel until she shall have been duly inspected by an officer appointed for
"this purpose; you are therefore to prepare a muster-roll of your ship's
"company, and of the passengers on board; which roll, under the signature
"of yourself and of your chief officer, shall be delivered to the inspecting
"officer; and shall, if required, be attested on oath before a Magistrate.

"*Secondly.* The inspecting officer is authorized to examine your crew and
"passengers, according to the roll, which is to contain the names of each
"person on board, the time of their entry, the time and place of their
"embarking, their country, and the station or character of each. To
"this roll you are to add the names of all places at which your vessel may
"have touched during the voyage.

"*Thirdly.* Until you shall have complied with this order you will not be
"permitted to have communication with the shore; and, upon your
"landing, you are to pay strict obedience to the printed Regulations, which
"you will find at the office of the Superintendent of Marine; in failure of
"which, your ship will not be admitted to any entry at any British port in
"India."

Precautions to be adopted in execution of the aforesaid Regulation on the arrival of foreign vessels.

IV. A vessel is to remain constantly stationed in the mouth of the harbour, to communicate, according to these Regulations, with every ship under foreign colours which may be entering, and to enjoin her to anchor until the inspecting officer shall come on board and make the necessary inquiries; and a guard-boat is to remain along-side of each foreign ship thus importing, until removed by the proper authority, and while there to prevent any boat whatever from either getting on board of her from the shore, or from proceeding to the shore from the ship.

The inspecting officer thereon to proceed on board, and to examine and muster the crew and passengers.

V. On the strange ship anchoring as above, the inspecting officer is to proceed on board, and to examine and muster the crew and passengers, according to the lists which shall have been prepared under the signature of the commander and that of his chief officer.

The vessel to be brought up the harbour by the pilot, should no suspicious person be discovered on board, all communication with the shore being however prevented.

VI. If, on this muster, and such further examination as the inspecting officer shall deem necessary, he shall not observe any suspicious persons to be on board, he is to authorize the pilot to bring the ship to her mooring, and to return to the shore with his report to the Superintendent of Marine,

enjoining

enjoining the guard-boat along-side to exert its utmost vigilance, in preventing any person from quitting the ship or proceeding on board of her.

VII. In case the Superintendent be satisfied with the report of the inspecting officer, he shall authorize the removal of the guard-boat, and the necessary communication with the ship; if not, the guard-boat is to remain, and a report to be made by him to the Honourable the Governor.

The guard-boat to be removed, should the Superintendent be satisfied with the inspecting officer's report, or otherwise to represent the matter to the Governor.

VIII. Upon the guard-boat's being removed from along-side any foreign ship, importing in the manner specified in the preceding section, written notice thereof is to be immediately transmitted by the Superintendent to the Custom-master, with such orders and under such regulations as relate to his department.

Communication to be made by the Superintendent to the Custom-master on the removal of the guard-boat.

IX. The guard-boat is to report to the inspecting officer any violation of these Regulations, which may be persisted in by any person or persons, and detain such boat as he or they may be on board of, until he receives his orders on the subject.

Conduct to be observed on the occasion of any violation of the Regulations in question.

X. The captain or supracargo of every foreign ship importing into this harbour shall, immediately on their landing, deliver into the office of the Superintendent of Police, a list of such of the officers and crew as it is intended shall reside on shore during the ship's stay: who, if he sees no objection, shall thereon grant to each a printed certificate of their being permitted to remain on shore, taking hereon the instructions of the Governor, as from time to time may prove necessary.

Such of the officers and crew of any foreign vessel as may intend to reside on shore, to be furnished, if no objection occur, with a certificate of such permission having been granted.

XI. The captain or supracargo shall further leave at the Police Office a paper, with the signature of such officers of the ship (not exceeding three on board of each), whose authority shall, when countersigned by the Superintendent of Police, be a sufficient pass for such of the crew as may have occasion to be on shore for a time only, which time is to be signified in the pass.

Forms to be observed in respect to the pass to be granted to such of the crew as may have occasion to be on shore.

XII. All seamen and others belonging to foreign ships, and suspicious persons in general, not in possession of either a general or temporary pass, as above, to be apprehended by the Superintendent of Police and kept in custody, the captain or supracargo of the ship being charged with all expenses attending their seizure and detention.

Persons found without a pass to be apprehended, and kept in custody by the Superintendent of Police, all charges being defrayed by the captain or supracargo.

XIII. A register to be kept in numerical order for each month, in the Police Office, of all passes granted, for the purpose of reference.

All passes to be registered in the Police Office.

XIV. Orders to be issued at the gates, and at the stations of other military guards, to prevent all foreign European seamen from passing or landing on the island, unprovided with a pass countersigned by the Superintendent of Police.

Foreign European seamen not to be suffered to pass the gates or any military guard without a pasport from the Superintendent of Police.

XV. If at any time the Superintendent of Police shall see cause to suspect the persons thus landed of improper intentions, he is to apprehend and detain the same, and make report thereof to the Honourable the Governor.

Superintendent of Police to apprehend suspicious persons of the above description, and report to the Governor.

XVI. No commander of a foreign ship shall entertain on board any person, either as a part of the crew or as a passenger, without a permit from the

Commanders of foreign ships restricted from receiving any person on board as a part

of the crew, or a passenger, without permission.

Superintendent of Marine, who is to act, in granting the same, under the orders and sanction of the Governor.

Previous to the embarkation of any commander of a foreign ship about to depart, the crew to be mustered by the lists furnished on her importation. The intermediate casualties to be inquired into, and the Marine Superintendent's permission required for filling them up.

XVII. When any foreign ship is about to depart from this port, the inspecting officer shall, previous to the embarkation of her commander, repair on board, and muster and examine the crew according to the lists furnished on her first importation, and examine the officers and crew as to such casualties as may have been reported during the continuance of the vessel in port, and require the permit from the Superintendent of Marine for shipping such additional men or passengers as he may find on board.

Foreign ships under suspicious circumstances to be inspected; and after the first search has been completed, a guard-boat to be stationed along-side, to prevent communication with the shore.

XVIII. In cases which shall appear to require it, the inspecting officer shall search any foreign ships under suspicious circumstances; and is, upon all occasions, after his first inspection shall have been completed, to station a guard-boat along-side of every foreign vessel, to prevent communication with the shore until she may sail out of the harbour.

After the final inspection and muster is made, no person to be permitted to go on board.

XIX. After the inspecting officer has made his final muster and examination of any foreign ship about to depart, a guard-boat is to be stationed along-side of her, and no person is to be allowed to go on board of her without a pass from the Superintendent of Marine.

The Superintendent of Marine, when authorized by the report of the inspecting officer, is to countersign the ship's port clearance, as a permission for her to depart.

XX. As soon as the Superintendent of Marine shall have been satisfied, by the report of the inspecting officer, that these regulations have been complied with, he shall countersign the ship's port clearance, as the authority for her departure, as far as regards his department.

The Superintendent of Marine immediately to report any foreign ship which may sail without a regular port clearance, &c.

XXI. An immediate report to be made by the Superintendent of Marine of any foreign ship which may sail from the harbour without the regular port clearance; and the cruiser in the mouth of the harbour, upon an agreed signal from the light-house, is, as far as possible, to prevent any such ship from leaving the harbour without a pilot.

All dows, dingies, and other vessels of that description, to be inspected by a guard-boat from the cruizer at the mouth of the harbour.—To inquire what passengers, or if any Europeans are on board.—Such dow, &c. to be allowed to proceed up the harbour if no suspicious circumstances arise; but otherwise to be detained, till a report shall be made to the Superintendent of Marine.

XXII. The officer in command of the vessel stationed at the mouth of the harbour shall send one of his guard-boats with an intelligent person to inspect all dows, dingies, or other vessels of that description coming into this harbour; which person shall inquire of the Naquedah or Craney, what passengers, or if any Europeans whatever be on board, and shall carefully examine such vessel; and if satisfied that no improper or suspicious passenger or other person is concealed therein, shall allow such vessel to proceed up the harbour, but otherwise to detain her until a report can be made to the Superintendent of Marine, who will thereon act as he may deem necessary, reporting his proceedings to the Governor, and acting thereon as the latter shall direct.

European foreigners or British subjects, how to be discharged and registered.

XXIII. No European foreigner, or even British subject, shall on any account be discharged from any ship under English colours without the permission of the Superintendent of Marine; and when that permission has been granted, the discharged man is to be sent to the Office of Police, in order to have his name registered there, and a proper passport granted to him, as in the case of the seamen of foreign ships.

All merchant ships to deliver to the inspector of the port cor-

XXIV. All merchant ships, whether English or foreigners, without distinction, shall on their arrival deliver in correct lists of their ship's company, and

and of all other persons who shall be on board, to the inspector of the port, who is to re-examine such lists on the departure of these ships respectively, and to report to the Superintendent of Police how many of the European part of such crew do re-embark, and what has become of the remainder; which returns are to be regularly submitted by the last-mentioned Superintendent to the Governor, who after being satisfied thereon, is to direct the Superintendent of Police to write to the Custom-master accordingly, till which the vessel's port clearance is not to be granted; the object of this Regulation being to prevent foreign or British subjects improperly remaining on shore behind the ship that brought them, which, besides other inconveniences, has frequently entailed undue expense on Government.

rect lists of their ships' companies on their arrival.—These lists to be re-examined on the departure of such ships.—How any difference that may appear is to be accounted for, and measures to be adopted in consequence.

XXV. Europeans, not in the service of His Majesty or the Honourable Company, landing from the Mahratta country at any of the bunders under the Custom-masters of Bombay, Mahim, Salsette, or Caranja, are to be detained at the Custom-house until a report can be made to the Governor of the name, nation, profession, and reason of the party for visiting this island; unless such European shall be furnished with a pass from the Honourable the Governor, the Resident at Poona or Hyderabad, or some person authorized to give such pass, in which case he is to be sent to the Police, where his name is to be registered.

Europeans not in the service of His Majesty or the Honourable Company, landing from the Mahratta country, to be detained until a report shall be made to the Governor.—Unless such person shall be furnished with a pass from the Honourable the Governor or other competent authority.

XXVI. Nor is any European of the foregoing description to be allowed to go off at any of the said bunders, without a pass regularly granted by the local authorities, who now are or may be hereafter authorized by Government to issue them.

Such Europeans passing as above to be prevented, unless furnished with a pass for that purpose.

A. D. 1799. REGULATION III.

A REGULATION *for the Institution of a Court of Justice in Salsette, Caranja, &c. for the Trial of Civil Suits in the first Instance:* PASSED *by the Governor in Council on the* 19*th November* 1799 *(corresponding with the* 7*th Kartik Vud, Sumbut or Vekramajit Era,* 1856; *Salbahan,* 1721; *and* 20*th Jemady ussany,* 1214 *Hejry).*

I. ON the acquisition, by conquest, in 1774, of the islands of Salsette and of Caranja, and its dependencies of Hog and Elephanta, provision was made for the government of the former, by the appointment of a Resident, or Chief and Factors; and for the latter, by that of a single Resident; with instructions from the Presidency of Bombay, that disputes regarding property should be decided by arbitration, until the introduction of a more detailed Regulation; in view to which, the Court of Directors were pleased, under date the 19th February 1794, to communicate their sentiments: when, after observing that an upright and steady administration of justice constitute the first consideration in forming a system for the happiness of the subject, they transmitted, with this view, to the Presidency of Bombay, a copy of the Regulations that had been proposed by Lord Cornwallis and submitted to their consideration, as applicable to the provinces under the Bengal Government, desiring the administration of this Presidency to report to them, how far the principles

ciples they proceeded upon appeared to them applicable to the subjects, either formerly or recently brought under the Government of Bombay; which, under date the 7th of January 1795, replied, that they were clearly of opinion, it would contribute greatly to the ease and happiness of the natives, if Courts of Adawlut were established in Bombay, Salsette, and Caranja, in the same manner as they had lately been instituted in the province of Malabar. Preparatory, however, to the introduction of which, it appeared necessary to consult the best legal opinions, and also to have the sanction of the Supreme Government, in respect to the competency of that of Bombay to establish rules for the administration of justice in the above-named places, under the same independence, as to the interposition of His Majesty's Court, as the Judicial Regulations of the Governor General in Council are free from the controul of the Supreme Court of Bengal; the more especially, as, from the non-establishment therein of efficient judicatures, the Mayor's Court, and Court of Oyer and Terminer, had gradually extended thither their occasional jurisdiction, notwithstanding there being no words in the charter by which they were constituted, to call for or justify, otherwise than on the ground of expediency, the casual or other exercise of their authority in these places. All which being taken into consideration by the Advocate General at Bengal, he declared himself of opinion: First, That the native inhabitants of Salsette, and of the other islands which were conquered with it, and afterwards ceded to the Company by the Marhattas in the year 1774 and 1782, are exempt from the jurisdiction of the Mayor's Court, and of the Court of Sessions established by his late Majesty's charter at Bombay, in all suits and causes, as well civil as criminal, arising within the islands. Secondly, That both these courts ought to discontinue the further exercise of any jurisdiction which they may appear heretofore to have assumed over the native inhabitants of these islands in any such suits; and, Finally, That as the laws of England have never been regularly introduced into the islands in question, there did not exist any objection to the establishment of courts of justice for these islands, by the concurring authorities of the Supreme Government and that of Bombay, with powers equally full and valid as possessed and exercised by the other courts which had been established in different parts of the Company's Indian possessions. On all which grounds the Governor General in Council had no hesitation in recommending to, and authorizing this Government, under date the 27th July 1797, to constitute courts of judicature for the administration of civil and criminal laws, on principles similar to those on which the courts in the Bengal provinces have been established, with such variations as from local circumstances may appear advisable; and to appoint a separate officer to collect the revenue, subject to the jurisdiction of the court for all his official acts: since which, by the 37th George the III, the Court of the Recorder at Bombay is declared incompetent to the exercise of jurisdiction in any matter concerning the revenue under this Presidency, whether within its local jurisdiction or beyond the same, or concerning any act done according to the usage and practice of the country and the Regulations of this Government; and it hath also been provided, that no action shall be brought in the Court of the Recorder against any person exercising a judicial office in any country court, or against any person acting under the orders of

such

such court: in pursuance of all which the following provisions have been made.

A court of justice, with civil and criminal jurisdiction, established in and over Salsette, Caranja, &c.

II. There shall be established a Judge and a Magistrate, vested, in the former capacity, with civil, and, in the latter, with criminal and police jurisdiction, in and over the islands of Salsette, Caranja, and their dependencies; and also in and over the island of Bombay, as far as regards questions relative to the revenue.

Oath to be taken by the Judge.

III. The Judge and Magistrate is, previous to entering into the execution of the duties of his office in the first-mentioned capacity, to take and subscribe the following oath before the Governor in Council.

"I, A. B., appointed Judge in and over the islands of Salsette, Caranja, "&c., do solemnly swear, that I will administer justice conformably to the "Regulations that have been, or may be, passed by the Governor in "Council, to the best of my ability, knowledge, and judgment, without fear, "favour, promise or hope of reward; that I will not receive, directly or "indirectly, any present or nuzzer, in money or effects of any kind, from "any party or person whomsoever, on account of any suit to be instituted, "or which may be depending, or have been decided, in the court of which "I am appointed Judge; that I will not knowingly permit any person or "persons under my authority, or in my immediate service, to receive, "directly or indirectly, any present or nuzzer, in money or effects, from "any party or person whomsoever, on account of any suit to be instituted, "or which may be depending, or have been decided in the court; that I "will render a true and faithful account of all sums of money that may be "paid into the court or disbursed from it; that I will not be concerned, "directly or indirectly, in the purchase of any goods or commodities in the "British dominions on this side of India, for the purpose of remitting money "to Europe, nor in any commercial transactions; and that I will not derive, "directly or indirectly, any emoluments or advantages from my station, "excepting such as the orders of Government do or may authorize me to "receive: So help me God."

Court to be held twice a week, or oftener, if necessary.—Judge to report whenever he is prevented holding a court as often as is herein required.

IV. The court to be held in a large room two days in every week, or oftener if necessary; and the Judge is to inform the Sudder Adawlut whenever, from indisposition or any other cause, he shall be prevented from holding the court, unless during the periods of authorized adjournments. No rule, order, proceeding, or decree is to be made, but on court days, and in open court.

Seal of the court to remain in the custody of the Judge.

V. The Judge's Court to use a seal, one inch and three-quarters in diameter, bearing an inscription to the following effect, in the Persian and Guzeratte characters: "The seal of the Judge's Court of Salsette and Caranja, &c." and this seal is to remain in custody of the Judge.

Court to have jurisdiction over all persons not British subjects.

VI. All natives, and other persons not British subjects, are amenable to the jurisdiction of the Judge's Court.

Of what suits the court is to have cognizance.

VII. The Judge's Court is empowered to take cognizance of all suits and complaints respecting the succession or right to real or personal property, land rents, revenues, debts, accounts, contracts, partnerships, marriage,

cast, claims to damages for injuries, and generally of all suits and complaints of a civil nature, in which the defendant may come within the description of persons mentioned in Section VI; provided the landed or other real property, to which the suit or complaint may relate, shall be situated, or, in all other cases, the cause of action shall have arisen, or the defendant, at the time when the suit may be commenced, shall reside as a fixed inhabitant within the limits of Salsette, Caranja, or the islands of Elephanta and Hog, in and over which the jurisdiction of the Judge doth extend, as well as in respect to all suits respecting the rents and revenues due to the East India Company, from the island of Bombay, or the adjacent dependencies of Old Woman's, Colaba, Cross, and Butcher's islands.

British subjects, with certain exceptions, not to be permitted to reside beyond the limits of the island of Bombay, unless they execute a bond, rendering themselves, in a certain degree, amenable to the courts of civil jurisdiction.

VIII. The Judge's Court is to have jurisdiction over all British subjects (excepting King's officers serving under the Presidency of Bombay, and the covenanted civil servants of the Company and their military officers), so far as not to allow them to reside or take up their abode within his local jurisdiction, unless they execute a bond to render themselves amenable to the court, in all suits of a civil nature that may be instituted against them by natives or other persons described in Section VI, in which the amount claimed may not exceed five hundred Bombay rupees; nor shall any British subject, or other European, be permitted to hold or possess lands within the islands under the local jurisdiction of this court, or obtain grants for the same from Government, unless coupled with the express condition, that such grantees, their heirs, executors, and assigns, shall, in whatever questions of a civil nature derive or arise out of such grant, submit themselves and be bound by the jurisdiction and judicial courts therein subsisting, or which may be hereafter established therein by the Government of the East-India Company, in the same manner, and to the same degree, as the native inhabitants of the same islands, without seeking or having a right to resort, in any such instances, to the Court of the Recorder at Bombay, or to any other Court that may hereafter be established in lieu thereof; unless, and after, this restriction shall be eventually removed by an Act of the British Legislature, or order or instruction from the East India Company.

Further restriction as to Europeans having grants of land.

Collectors of the revenue and customs, and all other persons locally employed in the Company's concerns, amenable to the court for acts done in their official capacity.

IX. Collectors of the revenue and customs and their assistants, and native officers, and all persons on the part of Government, in the manufacture of salt, or in the provision of the investment, are declared amenable to the Judge's Court for any acts done in their official capacity, in opposition to any Regulation printed and published in the manner directed in Regulation I, 1799.

Individuals how to proceed, who may consider themselves aggrieved under the Regulations by any special order of Government.

X. If a native or any other person, not being a British subject, shall consider himself aggrieved under any Regulation printed and published in the manner directed in Regulation I, 1799, by an Act done by any of the officers of Government described in Section IX, pursuant to a special order originating with the Governor in Council, the officer by whom the act may be done is not to be liable to be sued for it. In such cases Government is to be considered as the Defendant, and the person deeming him or herself aggrieved is to present a petition to the Judge, stating wherein he or she considers themselves injured under the Regulations, and praying that the Governor in Council will order the

Government to be considered as the Defendant.

Complainant to present a petition to the Judge.

What the petition is to contain.

the court to try the points or matters contested agreeably to the Regulations. The Judge is to forward this petition immediately to the Governor in Council, who, provided he shall not think it proper to afford the redress that may be solicited by the petitioner, and the court shall be competent to try the cause, will direct the Judge to proceed to the trial of it. If the Governor in Council shall order the cause to be tried, the court is immediately to send a written notification of the order to the complainant, and the cause is to be considered as filed in the court from the date of the notification. The court is then to proceed to try the suit, under the same rules and regulations as are prescribed for the trial of suits between individuals. The officer by whom the act complained against may have been done, is to carry on the suit under the directions of the Governor in Council, and is to issue the necessary instructions to the Vakeel of Government in the court in which the suit may be instituted, or subsequently carried in appeal; or if the officer complained against be no longer in the country, or conveniently stationed for the proper defence of the suit, the Vakeel of Government is then to act in his stead. In the event of Government being cast in the Judge's Court, the officer intrusted with the management of the suit, or the Vakeel of Government, is to send a copy of the decree and proceedings of the court to the Governor in Council, with a letter stating any objections that he may have to offer to the decision. The Governor in Council will order an appeal from the decision that may be transmitted to him under this section, to be preferred or not, as may appear to him advisable. The costs and damages that may be awarded against Government in suits instituted under this section are to be defrayed from the public treasury. All special rules respecting cases of the nature of those described in this section are to be duly attended to by the plaintiff and the parties concerned in them.

Judge to transmit the petition to the Governor in Council.

How he is to proceed with the petition.

If he shall order the cause to be tried, the order to be notified to the party, and the cause to be considered as filed from the date of it.

Who are to act in the defence of such suit.

Officer how to proceed in the event of Government being cast.

XI. The Judge's Court is not to receive a suit previously instituted in another court in which it may be cognizable, but to dismiss the same, on proof, with costs to be paid by the parties suing: and if any person shall have commenced a suit in any other competent or established court of justice, and whilst that suit is depending, or after a decree may be passed on it, shall commence another suit in the Judge's Court for the same cause; or if any person shall commence a suit in the Judge's Court, which shall appear to the Judge to be frivolous, vexatious, or groundless, he is not only to dismiss the suit with such costs as he may deem it equitable to award against the plaintiff, but is to fine him in such amount as he may think proper, upon a consideration of the nature of the case, and the situation and circumstances in life of the offender, and commit him to close custody until he pays the fine.

Court how to proceed in the case of a suit being instituted, although decided, or pending before any other competent tribunal, and penalty for the institution of frivolous, vexatious, or groundless suits.

XII. The Judge's Court is not to pass a decree in any suit concerning the succession or right of inheritance to land or house, or other real property, to which there are more claimants than one, who by the law of the religion, or such as is otherwise declared applicable to the claimants, would be entitled to a portion of the property, excepting the property be, by the decree, adjudged to all the claimants, in the proportions to which they may be respectively entitled.

Decrees for real property to specify the shares of all the claimants.

XIII. The Judge is prohibited hearing, trying, or determining the merits of any suit whatever against any person or persons, if the cause of action shall

Date from which causes are to be actionable.

shall have arisen previous to the 1st of December 1774; or any suit whatever against any person or persons, if the cause of action shall have arisen twelve years before any suit shall have been commenced on account of it, unless the complainant can shew, by clear and positive proof, that he had demanded the money or matter in question, and that the defendant had admitted the truth of the demand, or promised to pay the money, or that he directly preferred his claim within that period, for the matters in dispute, to a court of competent jurisdiction, to try the demand, and assign satisfactory reason to the court, why he did not proceed in the suit; or that, either from minority or other good and sufficient cause, he had been precluded from obtaining redress.

Mortgages to be registered.

XIV. The Judge is prohibited decreeing the payment or satisfaction of any sum due on a mortgage bond entered into after the 1st of January 1800, unless such mortgage bond shall have been registered in his court at the time of passing it; of which rule public notice is to be issued throughout his jurisdiction.

Previously adjudged causes not to be cognizable at this court.

Exception.

XV. The Judge's Court is prohibited entertaining any cause, which, from the production of a former decree on the records of the court, shall appear to have been heard and determined by any former Judge, or person or persons having competent jurisdiction. If any doubt should arise respecting the competency of the former jurisdiction, the Judge is to report the circumstances to the Governor in Council, and wait his instructions.

Of what points this court is prohibited from taking cognizance, within the jurisdiction of the Court of Recorder.

XVI. The Judge is not to receive or entertain any suit, under any pretence whatever, relating to any house, land, tenement, or hereditament, nor a dispute regarding the boundary of lands, houses, tenements, or hereditaments, situated within the town and island of Bombay; nor any suit whatever against a person who may be an inhabitant of Bombay, or may have become resident within the island, after the suit may have commenced. The court is commanded not to meddle with, or take cognizance of, the suits above-mentioned, which are to be considered as entirely exempt from its jurisdiction.

Court prohibited from taking cognizance of any matters of a criminal nature. Exception.

XVII. The Judge of the Court is, in that capacity, prohibited from interfering in any cause or matter of a criminal nature; except for contempts and perjuries committed in open court, as prescribed in Sections 13 and 20, Regulation IV, 1799.

Court prohibited from corresponding with parties in suits, or any persons, respecting matters therein cognizable.

XVIII. The Judge is prohibited from corresponding by letter with parties in suits, process, or matters depending before him, or coming within his cognizance. If a party in a suit, or person amenable to the jurisdiction of the court, shall have any matter to represent to the court, he is either to appear in the court in person, and represent the matter in writing, or make the representation in writing through an authorized Vakeel. The court is to pass whatever order upon the representation may appear to it proper, consistently with the Regulations; and to direct a copy of the order to be delivered to the person making the representation, or to his Vakeel, under the seal of the court, and attested by the Register.

An appeal to lie to the Sudder Adawlut.

XIX. An appeal is to lie to the Governor in Council, in the separate department of Sudder Adawlut, from the decision of this court, in all suits on matters where the cause or action shall amount to the sum of four hundred

dred rupees; and the Judge of this court is, invariably, to state in every decree the grounds on which he may pass it.

XX. In cases coming within the jurisdiction of this court for which no specific rule exists, the Judge is to act according to justice, equity, and good conscience.

Judge to act according to justice, equity, and good conscience, in cases for which no specific rules exist.

A.D. 1799. REGULATION IV.

A REGULATION *for receiving, trying, and deciding Suits, in Complaints declared cognizable in the Civil Court of Justice of Salsette, Caranja, &c.* PASSED *by the Governor in Council on the* 19*th November* 1799 *(corresponding with the* 7*th Kartik Vud, Sumbut or Vekramajit Era* 1856; *Salbahan,* 1721; *and* 20*th Jemady ussany,* 1214 *Hejry).*

I. THE following rules are enacted for receiving, trying, and deciding suits or complaints declared cognizable in the civil court of justice for Salsette, Caranja, &c.

II. No complaint is to be received but from the plaintiff, nor any answer to a complaint but from the defendant, or their respective Vakeels, duly empowered. Nor is any person to be permitted to do any act, or to be heard, *vivâ voce,* in any stage of a cause, excepting the plaintiff or defendant, or their Vakeels or witnesses.

Only plaintiffs or defendants, or their Vakeels duly empowered, to be allowed to prefer or defend a suit. No other persons, excepting the witnesses of the parties, to be heard *vivâ voce* in a cause.

III. Every complaint that may be presented to the court is to state precisely the matter of complaint. If it be concerning land paying or exempt from revenue, it is to state the amount of the annual produce of the land, according to the most accurate estimate which the claimant may be able to procure. To obviate all doubt respecting what is meant by the annual produce of free or revenue lands, it is declared to be the aggregate of the value that may have been derived from the produce of the soil to the defendant, on account of the year in which the claim may be preferred, and that would accrue to the claimant were he to be put into possession of the lands during that year. If the complaint is for a house, garden, tank, or any real property, not being revenue or free land, or any valuable thing, or relating to marriage or cast, or for damages for any injury, it is to state, according to the nearest estimate, the exact sum of money, or the amount in which the plaintiff may be endamaged. The complaint is also to specify the name of the person complained against, the time when the cause of action arose, and is to be signed by the complainant, or his Vakeel duly authorized. The complaint is to be signed and numbered, and dated in the order in which it may be received, by the Judge of the court, and is to be registered in a book by a native officer of the court, whose particular duty it is to be made to copy and register complaints.

What a complaint preferred is to contain.

If it is for revenue or free land, the annual produce is to be specified.

What is meant by the annual produce.

If for any other property, or money, or damages, the amount or value, or the sum in which the party may be endamaged.

Complaint to specify the name of the defendant, and when it arose, and is to be signed by the party or his Vakeel.

Judge to sign, number, and date the complaint.

Complaint to be entered in a book by a native officer.

IV. That no doubt may be entertained what suits decided in the civil court are appealable, it is directed that if a suit shall be instituted, and the cause of action shall be stated by the plaintiff to be such as would make it appealable, or such as would not entitle either party to an appeal, the defendant,

Defendant to insert in his answer his objections to the plaintiff's statement of the cause of action, otherwise the statement is to be held correct, so far as to determine

whether the cause is or is not appealable to the Governor in Council in the Sudder Adawlut.

in the first case, if he shall be of opinion that the cause is not appealable, and in the second, if he shall think it appealable, is to insert his objections to the plaintiff's statement in his answer, and the Judge is to make such inquiries as he may deem necessary to ascertain whether the cause of action is such as would, or would not, render it appealable to the Sudder Adawlut, and to insert his decision on the objections of the defendant in the record of the trial, which the Court of Appeal, in the event of the cause being brought before them, are to confirm or set aside, as may appear to them proper. If the defendant shall not offer any objections, in either of the cases above-mentioned, to the plaintiff's statement of the cause of action, it is to be held correct, so far as to determine eventually whether it is, or is not, appealable to the Sudder Adawlut or Court of Appeal, and any objections which either party may afterwards offer to the statement are not to be attended to; but if, agreeable to the statement, the cause of action shall be appealable, an appeal is to be allowed (all rules regarding appeals being duly observed), and if it be not appealable an appeal is not to be admitted.

Court how to proceed upon a complaint cognizable by its being preferred to it.

To issue a summons. Contents of the summons.

V. Upon any person, either by himself or his Vakeel duly appointed, preferring a written complaint on account of any matter declared cognizable by the court, the Judge is to issue a summons upon the defendant, which is to contain a short account of the nature of the demand, and to require the defendant either to accompany the officer who may be deputed to serve the summons, to appear in person before the court, or to deliver to him good and sufficient security to appear and answer to the complaint on the day appointed, either in person or by Vakeel. The person who may become security for the appearance of the defendant is further to bind himself to be responsible for the personal attendance of the defendant whenever it may be required by the court; and in the event of his not being able to produce him, either whilst the suit is depending or at any time before the final decree in the cause is executed, to be answerable for such sum as may be adjudged against the defendant. The summons is to be served on the defendant by the Nazir or his inferior officer, if he can be found; and in the event of his not giving the required security, the Nazir or officer is to take his person into custody, and bring him before the court. The Nazir is to return the summons on the day appointed, with an indorsement specifying in what manner he has executed it. If the defendant shall appear either in person or by Vakeel, the court is to fix a day, according to its discretion, for him to answer to the complaint, and, if it shall deem it reasonable so to do, may, at any time, allow the defendant a further period for delivering his answer; and if the defendant shall appear in person, and shall not have given the security above-mentioned for his appearance and attendance, the court is to require him to give it, and in the event of his refusing or omitting to comply with the requisition, he is to be committed to close custody, until he shall have given the security or performed the decree of the court. When the defendant has delivered in his answer to the complaint, the plaintiff is to reply to it on the next court day; but he is not to be permitted to introduce in his reply any matter whatever which may not be contained in his complaint, but is either to acknowledge the answer of the defendant to be true, or simply and shortly deny the truth of such of the facts in the answer as he intends to dispute, or simply deny the truth of all the facts contained in it,

Nazir to return the summons on the fixed day, with an indorsement how it has been executed.

Upon the defendant appearing, court to fix a day for his answering, and to take security for his attendance.

Defendant to be committed to custody in the event of his not giving the required security.

Plaintiff to reply to the defendant's answer. What the reply is, and what it is not, to contain.

or

or the competency of the answer. The defendant is to rejoin to the reply on the same day, but is not to be permitted to introduce in his rejoinder any matter not contained in his answer, but is simply to deny the truth of the reply of the plaintiff, or the parts of it which he means to dispute, and aver the truth or competency of his own answer, and no further pleadings whatever are to be admitted in the cause. But if, from mistake, inadvertence, or other cause, the plaintiff shall have omitted to insert in his complaint any thing material to the suit, the court, on the omission being represented either by the plaintiff or his Vakeel, is to allow the plaintiff to prefer a supplemental complaint, in which he is to state the matter omitted. The defendant is to be allowed to deliver an answer to the supplemental complaint on a day to be fixed for that purpose; and the plaintiff and defendant are to reply and rejoin in the same manner as in the original complaint, but no other. In like manner, if the defendant, from mistake, inadvertence, or other cause, shall have omitted to insert in his answer any thing material to his defence, the court, upon his representing the omission, either in person or by his Vakeel, is to permit the defendant to deliver in a supplemental answer. The plaintiff and defendant are to reply and rejoin in the same manner as on the original answer: but no more than one supplemental complaint or one supplemental answer is to be received by the court. Whenever a defendant shall refuse or neglect to rejoin at the time appointed for that purpose, the Register is to enter a rejoinder for him, and the court is to proceed in the trial in the same manner as if the defendant himself had rejoined.

Defendant to rejoin to the plaintiff's reply.

What the rejoinder is, and what it is not to contain.

Cases in which the plaintiff is to be permitted to prefer a supplemental complaint.

Defendant to be allowed to deliver an answer to the supplemental complaint.

Plaintiff and defendant to be permitted to reply and rejoin.

Cases in which the defendant is to be allowed to deliver a supplemental answer.

Plaintiff and defendant to reply and rejoin.

Only one supplemental complaint or answer to be admitted.

Register to rejoin, if the defendant does not rejoin by the appointed day.

VI. When the rejoinder has been filed, the court, either immediately or on a fixed day (eight days' notice of which is to be given to the parties), as soon after the pleadings are closed as the business of the court will permit, is to examine the truth of the complaint or claim by the oaths of the parties, if they mutually consent to that mode of examination, and of the witnesses who may be produced by them, if they have any witnesses to produce. To procure the attendance of witnesses, the court, on the requisition of the plaintiff or defendant, or their respective Vakeels, is to issue a summons to the witnesses whom the parties may name, provided they be not Hindoo or Mohammedan women of a rank or quality, which, according to the manners and customs of the country, would render it improper to compel them to appear in a court of justice; specifying at whose request the summons may have been issued, and requiring them to appear in the court on a day to be named in the summons, and there to depose concerning the matter in dispute between the parties. If a witness so summoned shall not attend on the day appointed, or attending, shall refuse to give evidence or to subscribe his deposition as hereafter required, the Judge, in the first case, if it shall be proved to his satisfaction, on oath, that the witness was material to the cause, is to issue an order to the Nazir, to seize and bring the witness before the court, and is to impose on such witness not having attended, or refusing to give evidence, a fine not exceeding five hundred rupees, and to commit him to close custody until he shall consent to give his evidence and sign his deposition. If a witness who may attend pursuant to a summons shall have incurred any expense in consequence of his being required to appear, the court is to award to him such sum for his charges as may

When the court is to proceed to the examination of the merits of the suit.

How the attendance of the witnesses of the parties is to be procured, provided they be not women of the rank or cast herein mentioned.

What the summons is to contain.

How witnesses so summoned are to be dealt with, if they shall not appear, or if they shall appear and refuse to give evidence or subscribe their depositions.

Court empowered to award to witnesses appearing, pursuant to the summons, such sum for their expenses as may appear to it reasonable.

Expense to be paid by the party summoning the witness.

Consequences attending his not paying such expense as required, and the court how to enforce the payment.

What oaths are to be administered to parties or witnesses.

Cases in which the courts may dispense with the oaths of witnesses.

may appear to it reasonable, whether he be examined or not. If the sum so awarded shall not be paid immediately, or secured to the witness to the satisfaction of the court, the party at whose requisition the witness may be summoned is not only to lose the benefit of his testimony, but the court, after the decree in the cause shall be passed, is to confine such party until he shall discharge the sum awarded to the witness. The court is to administer to parties consenting to be examined on oath, and to witnesses, such oaths as may be considered most binding on their consciences, according to their respective religious persuasions. But if a witness shall be of a rank or cast, which, according to the prejudices of the country, would render it improper to compel him to take an oath, the Judge of the court may dispense with his being sworn, provided he shall subscribe one of the undermentioned declarations, according as he may be of the Mohammedan or Hindoo persuasion.

Declaration to be subscribed by a Hindoo Witness exempted from taking an Oath.

Declaration to be signed by a Hindoo witness exempted from taking an oath.

" I will faithfully answer, according to the truth, such questions as " may be put to me by the court in the cause now before the court. I " will not declare any thing not warranted by the truth: if I declare " any thing not warranted by the truth I shall be deserving of punishment " from Ishwur."

Declaration to be signed by a Mohammedan Witness exempted from taking an Oath.

Declaration to be signed by a Mohammedan witness exempted from taking an oath.

" I sincerely promise and swear, in the presence of Almighty God, that " I will faithfully, and without partiality, answer, according to the truth, " any questions that may be put to me by the court, respecting the cause " now before the court."

After the witness has given his deposition he is to subscribe the following declaration:

" I swear, in the presence of Almighty God, that I have faithfully and " without partiality answered, according to the truth, the questions put to " me by the court respecting the cause now before the court."

Depositions of witnesses subscribing the above declarations to be received as good evidence.

Depositions of witnesses to be reduced into writing, in the language and character which they may desire.

Exhibits and written evidence to be produced in open court at the trial.

Such exhibits and evidence, if disputed, to be duly proved by witnesses, whose depositions are to be reduced to writing.

Exhibits how to be marked and referred to in the depositions proving them.

The depositions of the witnesses who may subscribe the above declarations are to be received as good evidence in the cause, in the same manner as if they had been sworn. The deposition of every witness who may appear in court is to be taken *vivâ voce* in open court, and if he be a native in the country language, and is to be reduced into writing in the country character best known to the witness, or if he be altogether ignorant of written characters, then in the country language and character in which the records of the court shall generally be kept. The deposition is to be subscribed by the witness with his name or mark. Every exhibit or written evidence (excepting exhibits that may be proved by such absent witnesses as are hereafter mentioned) is to be produced in open court at the trial; and if disputed, is to be duly proved by the examination of witnesses sworn as above directed, whose depositions are in the same manner to be reduced into writing and signed. Every exhibit is to be marked with some letter or number to identify it, and the letter or number is to be referred to in the deposition proving

proving it. All exhibits proved by witnesses not present in court are, in the same manner, to be marked and referred to in the depositions proving them, and are to be endorsed and minuted as having been read at the time they may have been read in the court. In the event of any witness being a Hindoo or a Mohammedan, or a Parsee woman, of a rank or quality which, according to the customs and manners of the country, would render it improper to compel her to appear in a court of justice, the court is authorized to commission three creditable women, who are to be sworn to execute the commission truly and faithfully, to administer either an oath, or the prescribed declaration to persons of the rank, cast, or quality before mentioned (according to the discretion of the Judge and the religion of the witnesses), and to examine the witnesses on written interrogatories to be delivered to them by both parties or their Vakeels, if both parties shall desire to examine the witnesses. In the event of the personal attendance of a party in a suit, not being of a revenue nature, or a witness in such suit (provided the party or witness be not a woman of a rank or quality which, according to the customs and manners of the country, would render it improper to compel her to appear before a court of justice) resident within the local jurisdiction of the Court of the Recorder, being deemed by the Judge trying the cause to be indispensably necessary, he is to address the Superintendent of Police at Bombay, requesting him to order such party or witness to attend, and the Superintendent of Police is directed to comply with the requisition with all convenient expedition, taking the orders of the Governor for his assistance, in such instances of the kind as may appear to him to require it. If any exhibit or written evidence is offered to the court in a cause depending before it, and the Judge of the court shall think it just and proper to reject it, he is to endorse upon it the word "rejected," together with the name of the party who produced the document, the date on which it may be rejected, and his reasons for not admitting it (which may be written either upon the document rejected or on a paper to be annexed to it), and to subscribe his name to the endorsement, and return the document, with his reasons so written, to the person who produced it.

Exhibits proved by witnesses not present in court to be marked and referred to in the same manner, and the date on which they may be read in court to be endorsed upon them.

Court may dispense with the personal appearance of Hindoo or Mohammedan women, or Parsee, of a certain rank.

How the evidence of such women is to be obtained.

Personal attendance of parties or witnesses residing within the Company's limits, but out of the local jurisdiction of the court, how to be procured in cases not of a revenue nature.

Judge how to proceed, in the event of his rejecting exhibits or written evidence that may be offered.

VII. When the parties have been heard, and witnesses on both sides examined, and the exhibits received and considered, the Judge is to give judgment according to justice and right, and is to order costs to be paid to the party in whose favour the decree may be made. The court is then to cause the decree to be executed, if it be for a landed or other estate, or real property, by causing possession of the property to be delivered to the person to whom it may be decreed. If it be for personal property or a sum of money, by causing the specific thing to be delivered, or the value of it, or the sum of money decreed to be levied, by the public sale, by auction, of a sufficient portion; or if requisite for the satisfaction of the decree, the whole of the lands, houses, and all other effects, either real or personal, belonging to the party against whom the judgment may have been given, or by the attachment of his person, or where it may be necessary both by the sale of his effects and the attachment of his person.

When the court is to give judgment.

Decree of the court how to be executed.

VIII. If the defendant in a suit in the court shall be committed to close custody at the instance of the plaintiff, either whilst the suit is depending,

Monthly allowance to be paid to defendants confined at the instance of plaintiffs.

or after the decree shall have been passed, the Judge, at the time of the commitment of the defendant, is to make an order on the plaintiff for the payment of whatever monthly allowance he may think reasonable for the subsistence of the defendant, upon a consideration of his rank and situation in life, and the circumstances of the plaintiff. The allowance is not to exceed one hundred reas, nor be less than twenty-five reas per day; and is to be made payable to the Nazir, who is to give monthly receipts for it to the plaintiff, dated on the day on which the money may be paid. The first payment is to be made immediately upon the confinement of the defendant, and every subsequent payment at the expiration of the next and following month, calculating from the day on which the defendant may be confined.

To whom and when the allowance is to be payable.

Nazir to report to the Judge, in the event of the plaintiff omitting or refusing to pay the allowance for one month.

Judge how to proceed upon such report.

If the plaintiff shall neglect or refuse to pay the prescribed allowance for the space of one month after any payment may become due, the Nazir is to report the omission or refusal, in writing under his signature, to the Judge. Upon receipt of the report, the Judge is to cause it to be notified to the plaintiff, by a writing in the country language, to be fixed up in some conspicuous place in the court-room, that if he shall not, within one month after the date of the notice, pay the sums in arrear, together with the allowance for one month in advance, the court will release the defendant; if the plaintiff shall not make the payments required by the notice, the court is accordingly to discharge the defendant from custody. Plaintiffs are not to be required to pay any allowance to defendants who may be committed to custody for disobedience to an order of the court.

Plaintiff not to pay any allowance to defendants confined for disobedience to the orders of the court.

Suits of plaintiffs who neglect to proceed in them for six weeks, to be dismissed unless they can show good cause for not having proceeded.

Judge to record upon the proceedings his reasons for the exercise of the powers vested in him by this section.

IX. If a plaintiff shall at any time neglect to proceed in his suit for six weeks, the suit is to be dismissed, unless he can show good and sufficient cause to the court for not having proceeded in it; and the court is to award to the defendant the whole or such part of the costs as he may have incurred in the suit, according as it may deem equitable. The Judge is to record upon the proceedings his reasons, at large, for dismissing the suit of a plaintiff, or allowing him to prosecute it, after he shall have neglected to proceed in it for six weeks.

Court how to proceed in case a defendant cannot be found, or absconds, or acts so that the process of the court cannot be served upon him.

What the writing so fixed up is to contain.

X. If a defendant against whom a summons may issue shall abscond, or is not, after diligent search, to be found, or shall shut himself up in his own or in any house or building, or retire to any place, so that the process cannot be served upon him, and the Nazir shall return that on such account he has not been able to serve or execute the process, the Judge is to cause a writing, in the country language and character, to be stuck up in some conspicuous part of the room in which the court may be held. The writing is to contain a copy of the summons, and a notice that if the party shall not appear on a day to be fixed (which shall not be less than fifteen days from the time that the summons may be fixed up), the court will proceed without further notice to try and determine the cause without the appearance or answer of the defendant. The court is likewise to order a copy of the summons and notice to be fixed up, with all practicable dispatch, on the outer door of the house in which the defendant may have usually dwelt, or in some conspicuous place in the village or other place in which he may have generally resided. The Nazir is to return the order with an endorsement, stating at what times and places the summons and notice may have been fixed up. The return of the

Nazir to return how he has executed the process.

Nazir's return to be filed.

Nazir

Nazir is to be filed in court, and to form a part of the record of the trial. If the defendant shall not appear at the time limited in the notice, or if a defendant who may have been served with a summons shall not appear, or if, having appeared, he shall refuse to give answer or make other default, or admit the truth of the plaintiff's bill of complaint, the court on examining the allegations of the plaintiff only and the depositions of his witnesses, is to decree and give judgment, in the same manner as if the defendant had appeared, answered, and entered into proof.

Cases in which the court is to give judgment on the allegations and evidence of the plaintiff only.

XI. If a defendant, for whose appearance security may have been taken, shall not appear, or having appeared shall refuse to give answer, the plaintiff is permitted to institute a suit against the sureties on their engagement, and is to be entitled to recover from them whatever he may prove to be due to him from the defendant; or he may proceed against the defendant, in the same manner as defendants are directed to be proceeded against, who have been served with a summons, and have not appeared, or have refused to give answer.

Sureties for defendants not appearing, or refusing to give answer, liable to be prosecuted as principals. Option given to the plaintiff to prosecute the security, or to proceed against the defendant as herein directed.

XII. Every process, rule, order, or decree of the court (with the exception contained in Section VI and in this section) is to be immediately served or executed, without application to any person, or the interference of any individual whomsoever, according to the requisition of it, within the limits of the special jurisdiction of the court. But in every case in which the defendant shall be a Hindoo, or Mohammedan, or Parsee woman, of a rank or quality which, according to the customs and usages of the country, would render it improper to compel her to appear in an open court of justice, the Judge is not to issue any compulsory process against her, to compel her to appear and make answer, but is to issue a summons requiring her to appear in person or by Vakeel, at a certain time to be named in the summons, and answer to the complaint, and abide by the orders which the court may think proper to pass in the cause. The summons is to be directed to the Nazir of the court, and is to contain a short account of the nature of the demand or complaint, with a notice, that if the defendant shall not appear, as required by the summons, at the time specified in it, or having so appeared shall not answer the complaint at the time which may be fixed by the court, or make any other default, the court will proceed to try and determine the cause, in the same manner as if the defendant had appeared and answered, and done what she is authorized or required to do in defence of the suit. The summons is further to command the Nazir to deliver a copy of it to the Dewán, Purvoe, or some other principal servant of the defendant. The Nazir is not to have recourse to compulsion to enforce the summons, but is to serve it in the manner herein directed, and no other. The Nazir is to return the summons on the day appointed for the appearance of the defendant, with an endorsement specifying in what manner he has executed it; and if he has not executed it, the reason why it has not been executed. If the defendant should appear in person or by Vakeel, the court is to fix a certain day, according to its discretion, for her to answer to the complaint, and appoint a day for the parties to deliver in their pleadings, and the court is to try and determine the cause in the same manner as

Process of the court to be served according to the requisition of it, without application to any person, or the interference of any individual.

Exception to the rule made in favour of defendants who may be women of the description herein specified.

How such women are to be summoned when defendants.

Summons to be directed to the Nazir, and what it is to contain.

The Nazir to serve the summons in the manner herein-mentioned, and no other.

Nazir to return how he has served the summons.

Court how to proceed if the defendant should appear in conformity to the summons.

suits instituted against persons not being women of the above description.

Court how to proceed, in case the principal servant of the defendant cannot be served with the summons, and the defendant shall not appear in person or by Vakeel.

Upon the summons being issued, if the Dewan, Purvoe, or other principal servant of the defendant shall abscond, or otherwise act so that the summons cannot be served upon him, or shall not, after diligent search and inquiry, be found, the Judge, upon the return of the summons, and proof being made before him, on oath, of the fact, is to proceed against the defendant, in the same manner as he is directed to proceed against a defendant who, after diligent search, cannot be found, or shall have absconded, or otherwise acted so that he could not be served with a summons. If a female defendant on whom no summons can be served, after the prescribed notice has been issued shall not appear as required, or appearing, shall neglect or refuse to answer, or make other default, or admit the truth of the complaint, the court, on examining the allegations of the plaintiff only, and receiving the depositions of his witnesses, are to decree and give judgment, in the same manner as if the defendant had appeared, answered, and entered into proof.

Witnesses guilty of wilful or corrupt perjury to be committed to take their trial before the Court of Session.

XIII. If a witness or any person shall be guilty of wilful and corrupt perjury in any cause or matter depending in court, the Judge is immediately to commit the offender to close custody, to take his trial before the Court of Session.

The decisions of the courts to be conformable to the Mohammedan law with regard to Mohammedans, and the Hindoo law with regard to Hindoos, in the cases herein specified.

XIV. In all suits of a civil nature that respect the succession to, and inheritance of, landed and other property, mortgages, loans, bonds, securities, hire, wages, marriage, and cast, and every other claim to personal or real right and property, the cause is to be decided, as far as shall depend on the point of law, by that of the defendant; the laws of the Koran with respect to Mussulmans, and those of the Shaster with respect to Hindoos, being thus to be taken as the general rule for the Judge's guidance; and on all such occasions, the Moulavies or Pundits shall severally attend to expound the laws of their religion, respectively, as applicable to each case; and with respect to Portuguese and Parsee inhabitants, when they are defendants, the Judge is to be guided by a view to equity in his decisions, making due allowance for their respective customs as far as he can ascertain the same. But in all cases of succession to landed property, the Judge is, of whatever religion the parties may be, to endeavour to ascertain, also, whether they have been regulated by any general usage of the district where the disputed land is situated, or by any particular usage of the family of the defendant, and to consider in his decision the weight due to such evidence. Besides which, in all cases whatsoever, the Judge is to inquire and satisfy himself whether there be or be not an unwritten, yet ascertained, common law (called in Hindostan Raeje-al-Moolk, or the "customary rule of the country"), and whether this rule be or be not usually applied to the decision of cases such as the one depending, whether relating to the claims of an Hindoo or Mussulman; when if the affirmative be found clearly to be the case, and that such customary law appear at the same time duly consistent with the principles of equity, it is, after its particular application to the immediate subject of litigation, together with the above required grounds of preferring it (if they be found to exist) shall have been recorded, to operate to the exclusion, so far,

Rule as to Portuguese and Parsees, and general instruction respecting succession to landed property and other inheritances.

of

of the written and formal code of the Hindoo and Mussulman law books and treatises, as being more essentially and nearly the rules to which the natives have become habituated.

Courts not to refer matters of fact to any person whomsoever, with a view to passing a decree.

Exception to the rule.

The rule not to prevent references to the law officers on points of law.

XV. The Judge of the court is strictly enjoined not to order or allow of a report of any matter of fact relating to any cause depending before him, with a view to the passing of a decree, to be made to him by any officer of the court, or any other person, excepting in cases in which special authority for that purpose may be given to the court by any Regulation. This rule, however, is not to be construed to prevent a Judge referring any question arising on the Mohammedan or Hindoo law to the Cauzy or Pundit of the court, respect being had to the law in which each is conversant. When a reference of this nature is deemed necessary, a statement of the facts on which the question of law may arise is to be made out in writing, and signed by the Judge of the court, and delivered to the Cauzy or Pundit for his opinion upon it. A blank is to be left for the answer of the law-officer on the same paper on which the question is stated, or on a paper firmly annexed to it. The answer is to be attested with the signature of the law-officer, and the dates on which the questions may be stated to him, and the answer may be given, are to be specified.

Reference to the law officers to be made in writing. What they are to contain.

Court may depute an Aumeen where local investigations may be necessary in disputes regarding real property.

To what points the Aumeen is to be sworn.

XVI. In cases of disputed property regarding lands, houses, or their limits or boundaries, in which the court may deem a local investigation proper, the court is to appoint an Aumeen, who is to be sworn to make a true and faithful report to the court of the several matters which he may be directed to investigate, and not to take or receive, directly or indirectly, from either party, any gratuity, reward, or consideration, besides the sum which may be allowed to him by the court. The Aumeen is to be ordered to make his report in writing, subscribed with his name, and to deliver it into court on a certain day, which is to be specified in his commission. The report is to be received by the court as evidence in the cause with regard to the matters which the Aumeen may be commissioned to investigate, and no other. The court may order such sum to be paid to the Aumeen as may be thought reasonable, for his trouble; and the amount is to be added to the costs, and paid by the person against whom the decree may be passed. But the court is to be careful that expenses are not unnecessarily incurred by the Aumeen by delay or other means.

Report to be made by the Aumeen, duly attested by him, on a certain day.

Court to order such sum to be paid to the Aumeen as it may judge adequate to his trouble.

By whom the sum awarded is to be paid.

Precaution to be observed by the courts in awarding such sums.

Plaintiff to pay, in the first instance, the expense of all process that may be issued in his behalf, previous to the decision of the suit.

XVII. The plaintiff is to pay the charges of summoning the defendant and his own witnesses, and of all process attended with expense, which may be issued in his behalf previous to the decision of the suit.

Suits to be brought in for trial in the order in which they may be filed.

Exception to the rule.

XVIII. The Judge is to order the causes depending in court to be brought in for trial according to the order in which they may be filed; except in cases in which it may be otherwise directed by any Regulation, or in which the Judge may think it proper, for special reasons, which he is to state at large upon the record of the trial, to bring on the cause before its turn. The Register is to enter in a book the causes for the trial of which a day may be appointed by the Judge; and, on the day fixed, to call in the causes for trial, in the order in which they may have been entered. A paper, containing a list of the causes, and the day appointed for the trial of

A paper, specifying the causes for the trial of which a day has been fixed, is to be

 them,

stuck up in some conspicuous part of the court-room, seven days previous to the trial.

them, is to be fixed up in some conspicuous part of the court-room, seven days previous to the day of trial.

In what language and character the process of the court is to be written.

XIX. All orders and process of the court which may be directed to be served or executed on any person, are to be written or printed in the country language and character, and are to be sealed with the seal of the court and signed by the Judge. When a summons or any process is issued against a defendant or a witness in a cause, or any other person who may not reside or be present at the place at which the court may sit, and for the serving or executing of which a Peon or Peons may be necessary, each Peon is to be paid, by the party in whose behalf the summons or process may issue, four annas per day for his subsistence (excepting in districts where custom may have fixed the subsistence-money of Peons at a lower rate), and no more is to be paid. The name of each Peon deputed to serve the process, the amount of his subsistence-money, and the number of days for which he is to receive it, is to be endorsed on the writing. No greater number of Peons than two are to be deputed to serve or execute any process of the court, and one Peon only is to be sent, except in cases in which the Judge may think two Peons necessary.

Court to fine persons guilty of contempt, arrogations of judicial authority, or illegal exertions of it in their own causes.

XX. If any person shall be guilty of contempt of court in open court, or of undue arrogations of the authority of the court, or of illegal exertions of judicial authority in his own cause, the court is immediately to punish the offender, by fining him in a sum not exceeding two hundred rupees, and keeping him in custody until the fine shall be paid. The courts are to regulate the amount of the fines which they may impose under this section, according to the situation and circumstance in life of the offenders.

Court how to proceed against persons resisting process.

Offender to be summoned to answer for his conduct.

Court how to proceed if the offender shall not obey the summons.

XXI. If any person shall resist, or cause to be resisted, any process, rule, order, or decree, which may at any time issue from the court, on proof of the resistance being made, by oath, to its satisfaction, the court is to cause the offender to be summoned to answer to the charge. If the person for whom the summons may be issued shall abscond, or shut himself up in his own, or any house or building, or retire to any place so that he cannot be served with the summons, the court is to proceed against him in the manner directed with regard to other persons absconding, or otherwise acting, as above specified, so that they cannot be served with the process of the court. If the offender shall not appear within the prescribed period, or if he shall appear within the limited time, and after receiving his answer and hearing the evidence which he may have to produce in his defence, it shall be proved, to the satisfaction of the court, that he is guilty of the charge, the court is to adjudge the offender to pay such fine to Government as may appear to it proper, upon a consideration of his situation and circumstances in life, and the offence of which he may be convicted; which judgment is to lie open to the same rules that govern appeals in other cases, and the court is to proceed to levy the amount by the same process by which it is empowered to carry its decrees for sums of money into execution.

What the decrees of the court are to contain.

XXII. The Judge of the court is to insert in his decree the names of the witnesses whose depositions may have been taken, the title of every exhibit read in the cause, and the amount of the annual produce of the land, or the

sum

sum of money, or the value of the property or thing decreed. The decree is to be sealed with the seal of the court and signed by the Judge, and dated on the day on which it may be passed. The Judge or the Register, either at the time of making the decree or on a subsequent day (of which the court is to give notice to the parties or their Vakeels), within ten days after passing the decree, is to deliver or tender in open court to each party, or their Vakeels, a true copy of the decree, authenticated as above directed, with an endorsement made upon it by the Register of the date on which the copies may be delivered; and an entry of the delivery or tender, with the date on which it may be made, is to be inserted by the Register in the margin of the record opposite to the decree. If either of the parties or their Vakeels shall not be present at the time the decree may be passed, and the prescribed copy of it may be produced in the court to be delivered, or shall not attend on the subsequent day which may be fixed for the delivery of the copies, after previous notice of the day shall have been given to them, or shall refuse to take the copy of the decree when tendered as above directed, the copy is to be deposited amongst the records of the court, and the cause of the non-delivery of it to the party is to be noted upon it in writing, and in the margin of the record, opposite to the decree, under the official signature of the Register.

To be sealed with the seal of the court and signed by the Judge, and dated on the day on which they may be passed. Judge or Register, within ten days, to tender in open court a copy of the decree to the parties, on a day of which previous notice is to be given.

Register to endorse on the decree the date on which it may be delivered or tendered.

Court how to proceed in the event of parties or their Vakeels not being in attendance to receive a copy of the decree, or of their refusing to take it.

A. D. 1799. REGULATION V.

A Regulation *for the Apprehension and Trial of Persons charged with Crimes or Misdemeanors:* Passed *by the Governor in Council on the 19th November 1799 (corresponding with the 7th Kartick Vud, Sumbut or Vekramajit Era, 1856; Salbahan, 1721; and 20th Jemady ussany, 1214 Hejry).*

I. When, in the latter end of the year 1774, the islands of Salsette, Caranja, and their dependencies, were acquired to the Honourable East-India Company by conquest, the local administration then instituted was authorized to investigate all offences and misdemeanors, not capital, through the means of two sensible reputable men of each cast, who were to be selected and appointed for this purpose, that such punishments might be instituted as might be necessary for the preservation of the peace and good order; since which it having been determined, for the reason and under the authorities set forth in the preamble to Regulation III. 1799, to establish a separate court of criminal jurisdiction for the said islands, the following rules are accordingly enacted.

II. The Judge of the civil court shall hold the office of Magistrate, co-extensive (the island of Bombay excepted) with the civil jurisdiction. Previous to entering upon the execution of the duties of his office, he shall take and subscribe the following oath before the Governor in Council, or any person whom he may commission to administer it:

Judge of the civil court to be a Magistrate throughout the same local jurisdiction.

" I, A. B, appointed Magistrate of the islands of Salsette, Caranja, and " their dependencies, do solemnly swear, that I will, to the best of my " ability,

Oath of the Magistrate.

" ability, preserve the peace of the islands over which my authority extends;
" that I will act with impartiality and integrity, and will not exact or receive,
" nor knowingly allow any other person to exact or receive, directly or in-
" directly, any fee, reward, or emolument whatsoever, in the execution of,
" or on account of any matter relating to the duties of my office, excepting
" such as the orders of the Governor in Council do or may expressly
" authorize; and that I will perform the duties of my office according to the
" best of my knowledge, abilities, and judgment, conformably to the Regu-
" lations that have been or may be passed by the Governor in Council:
" So help me God."

Magistrate to apprehend all robbers and other persons charged with crimes or misdemeanors.

III. It shall be the duty of the Magistrate to apprehend murderers, thieves, house-breakers or disturbers of the peace, and persons charged before him with crimes or midemeanors.

Magistrate to apprehend offenders upon complaints being preferred in writing and the prosecutor swearing to the charge.—What the warrant is to contain.

IV. Upon a complaint, in writing, being preferred to the Magistrate against any person for murder, robbery, or any crime or misdemeanor, the Magistrate, upon the party complaining making oath to the truth of the complaint, shall issue a warrant, under his seal and signature, for the apprehension of the person complained against, in which shall be specified the crime or misdemeanor with which he may have been charged.

Prisoner to be examined, but not upon oath, and his deposition to be committed to writing.

Upon the prisoner being brought before the Magistrate, he shall inquire into the circumstances of the charge, and examine the prisoner and the complainant, and also such other persons as are stated to have any knowledge of the crime or misdemeanor alleged against the prisoner, and commit their respective depositions to writing.

Prosecutor and his witnesses to the charge to be examined upon oath, and their depositions to be committed to writing.

The complainant and the witnesses shall be examined upon oath, but the prisoner shall not be required to swear to the truth of his deposition.

Magistrate to discharge the prisoner, if after inquiry there shall not appear to him sufficient grounds for commitment, recording his reasons for so doing, and submitting them to the next Court of Session.

After this inquiry, if it shall appear to the Magistrate that the crime or misdemeanor charged against the prisoner was never committed, or that there is no ground to suspect him to have been concerned in the committing of it, the Magistrate shall cause him to be forthwith discharged, recording his reasons for releasing him, and submitting them to the Court of Session with the calendar ordered to be prepared in Section XVI.

Magistrate to commit the prisoner, or hold him to bail to take his trial, if there shall appear to him sufficient grounds for so doing.

If, on the contrary, it shall appear to the Magistrate that the crime or misdemeanor was actually committed, and that there are grounds for suspecting the prisoner to have been concerned in the perpetration of it, the Magistrate shall cause him to be committed to prison or held to bail (according as the offence may be bailable or not) to take his trial at the next session, and shall bind over the complainant to appear and carry on the prosecution, and the witnesses to attend and give their evidence.

All bail-bonds and recognizances to be for specific sums, to be forfeited upon non-performance of the conditions.

All bail-bonds for prisoners released upon bail, and the recognizances required to be taken from prosecutors and witnesses, shall be for a specific sum; the amount of which shall be determined by the Magistrate, upon a due consideration of the case, and the circumstances and situation in life of the parties, and shall contain a clause declaring the amount forfeited to Government in the event of the condition of it not being performed.

Rule for determining the amount of such sum.

Points to be attended to by the Magistrate in his inquiries into charges preferred to him. To ascertain and record the date

V. The Magistrate, upon receiving any charge, is to be careful to ascertain from the complainant, and to record upon his proceedings, on what day of the month, in what year, and at what time of the day or night, the

the act complained of was committed. And when a prisoner confesses before him the crime or misdemeanor with which he may have been accused, or confirms any former confession that he may have made of his having committed such crime or misdemeanor, the Magistrate is to be careful to have such confession or confirmation of a former confession witnessed by as many of his officers, or other creditable persons, who may be present at the time it may be made, to give it validity, and to cause such witnesses to be in attendance at the next sessions or assizes. But the Magistrate is strictly enjoined to satisfy himself that all confessions made by prisoners are free and voluntary; and, notwithstanding such confessions, he is invariably to summon, and bind over to the next session, the witnesses to the commission of the crime or misdemeanor alleged against the prisoner, that they may be examined before the sessions, in the same manner as if the prisoner had denied the charge. The Magistrate is further required to take special care, that persons upon being apprehended are not made to suffer corporal punishment, or otherwise ill treated, under the pretence of compelling them to answer truly to questions that may be put to them, or under any pretext whatever.

and the year in which the alleged crime was committed, and the time of the day or night.—Prisoner's confession or confirmation of former confessions of their guilt to be attested by the number of the witnesses.—To have such witnesses on attendance at the next sessions.—To be careful that the confessions of prisoners, or their confirmation of former confessions, are free and voluntary.—Notwithstanding such confessions, to bind over all witnesses to the alleged crime to appear at the next session.—To take special care that prisoners suffer no ill treatment after apprehension, to compel them to speak the truth, or for other purposes.

VI. Persons accused of murder, robbery, house-breaking, theft, or counterfeiting of the coin, provided there shall appear sufficient grounds for committing them for trial, shall not be admitted to bail.

Crimes which are not bailable.

VII. The Magistrate is empowered to hear and determine all complaints or prosecutions brought before him for petty offences, such as abusive language, calumny, inconsiderable assaults or affrays, and to punish the offender, when convicted, by committing him to prison for a term not exceeding fifteen days, or by imposing a fine upon him; but the fine is in no case to exceed the sum of fifty Bombay rupees, or in respect to any lesser mulct, one-twelfth part of the party's annual income, according to the Magistrate's own estimate or conception thereof at the time of his imposing the fine.

Misdemeanors which the Magistrate is authorized to try, and the punishment which he is empowered to inflict for such offences.

VIII. The Magistrate is authorized to hear and determine all complaints or prosecutions brought before him for petty thefts, when they shall not have been attended with any aggravating circumstances, or committed by persons of notorious bad characters, and to inflict upon the offenders corporal punishment, not exceeding thirty rattans, or commit them to prison for a term not longer than one month, according as he may think proper, upon a consideration of the circumstances of the case.

Crimes which the Magistrate is also authorized to try, under the restrictions herein specified, and the punishment which he is empowered to inflict for such crimes.

IX. Where the complaints specified in Sections VII. and VIII. shall appear to the Magistrate to be litigious, vexatious, or groundless, he is authorized to punish the complainant by fine or imprisonment, under the limitations and restrictions prescribed for the punishment of the offences specified in Section VII.

Punishment to be inflicted on the complainants, in the cases specified in Sections VII. and VIII, where complaints are proved to be litigious.

X. The Magistrate, upon receiving notice from the Judges of the Court of Session of the time at which they expect to arrive at his station, shall cause public notice of it to be given by a written publication, requiring all persons discharged upon bail, and all prosecutors and witnesses who may have been bound over to appear, to attend by the date fixed for the arrival

Notice that the Magistrate is to give of the time by which the Judges of Session expect to arrive at his station.

of the Judge or Judges, under the penalty of forfeiting their recognizances in the event of their not attending. The Magistrate shall send a copy of this publication to the Cauzy of each island, and cause a copy of it to be fixed up in some public place in the principal town or village on each island.

Magistrate to be careful to cause the witnesses on the part of persons committed or held to bail to take their trial, to be in attendance by the time of the arrival of the Court of Session.

XI. The Magistrate, previous to the arrival of the Court of Session at his station, shall ascertain from the persons committed or held to bail to take their trial, the names and places of abode of any witness or witnesses they may wish to have examined in their defence, and shall issue the customary process to cause such witnesses to attend at the time fixed for the trial of the persons in whose behalf they may be summoned.

Form of the calendar of the prisoners committed or held to bail to take their trial to be submitted by the Magistrate to the Judges of the Court of Session on their arrival at his station.

XII. The Magistrate is to have in readiness to deliver to the Court of Session, upon their arrival at his place of residence, a calendar in the English and Guzerattee languages, according to the following form:

Calendar of the Prisoners committed or held to Bail by the Magistrate of Salsette, Caranja, &c. to take their Trial before the Judges of the Session for the said Islands.

No.	Names of prisoners held to bail.	Abstract of the charges and date on which they were preferred.	Date of the apprehension of the offenders.	Names of the prosecutor's witnesses.	Abstract of the examination, grounds, and date of commitment for trial.	Names of prisoners held to bail.	Names of the witnesses on the part of the prisoners.
1	Rama Corumbee, prosecutor, vrs. Neetoo and Damoo, prisoners.	For the murder of Nemy, the prosecutor's son, 15th December 1799.	21st December 1799.	Heroo, Behadur, Rommoo.	Neetoo and Damoo plead not guilty. Committed for trial on 25th December 1799, on the grounds of the depositions of the witnesses.	Neetoo.	Sedoo and Jaggernaut.

Documents which are to accompany the calendar.

XIII. The calendar is to be accompanied with the Magistrate's proceedings on each charge, which shall contain the following vouchers, or as many of them as, from the nature and circumstances of the case, may be requisite and procurable, with such other papers and documents as the Magistrate may have in his possession, or judge necessary to be obtained for the information of the Judges of the Court of Session.

An attested copy of the complaint or charge.

An attested copy of the plaintiff's oath to the truth of the charge; in which is to be inserted, in cases of robbery and theft, the inventory of the money or property stolen or plundered, with the amount or computed value of it.

The prosecutor's recognizance to appear and prosecute to the charge.

A copy of the warrant prescribed in Section IV. for the apprehension of the offenders; or in case the charge should have been preferred, in the first instance, to any subordinate officer of the Magistrate, a copy of his proceedings.

The name or names of the person or persons apprehended.

The examination of the person or persons apprehended.

The

The further examination of the prosecutor on oath, in cases where any such examination may have been taken.

A list of the witnesses summoned by the desire of the prosecutor, particularizing the names of such as may be in attendance and those who are absent, with the cause of the non-attendance of the latter.

The recognizance of the prosecutor's witnesses.

The depositions of the witnesses who may have been in attendance.

The names of the witnesses who have been summoned at the requisition of the prisoner, specifying those who are in attendance and such as are absent, and the cause of the non-attendance of the latter.

Rules respecting examinations taken before the Magistrate.

XIV. *First.* All examinations taken before the Magistrate are to be written on separate papers, signed by the deponents, attested by the signature of the Magistrate, and arranged according to their respective dates; and in the examination of witnesses, as well before the Magistrate as before the Court of Session, the following rules are to be strictly attended to.

Rules for the examination of parties and witnesses.

Examination to be taken down in the language preferred by the party.

Second. All examinations of parties and witnesses are to be taken down in the language and character in which the person examined may desire to have the same recorded, and such person, whether party or witness, is to be allowed to read the same when finished, or if unable to read, it is to be read to him; after which, if he admit the record to be correct, he is to affix his name or mark to it: and the Judge, Magistrate, or other officer, before whom such examinations may have been taken, is to certify the same under his official signature on the original record, as well as on the Persian translation thereof to be annexed to the original record, that the proceedings may be complete for the perusal of the law officers of the Court of Session, as well as those of the Governor in Council, in the event of the trial being referred to him.

Party to read it, or have it read, and if approved to attest it.

Judge to certify it and to annex a translation.

Leading questions be avoided.

Third. In the examination of witnesses, leading questions suggesting an answer, or having tendency to such suggestion, are to be carefully avoided, and the interrogatories to them are to be proposed in such general terms as may bring forth all the information they possess and lead to a discovery of the truth. With this view, the parties are to be allowed to cross examine the witnesses, and the Judge or Magistrate should also cross examine them, when necessary, for the same purpose.

Party and Judge to cross examine.

What the examinations are to specify.

Fourth. All examinations of parties and witnesses, besides the name of the person examined, are to specify the name of his or her father, and if a married woman, the name of her husband; also the religion, cast, profession, and age of the party or witness, and the place of their residence.

In what manner examinations are to be made respecting stolen goods.

Fifth. When any stolen property or instruments of violence stated to have been found upon the prisoners, or in their houses, are produced before the Magistrate or Court of Session, the prosecutor and any witnesses brought to give evidence thereupon are to be carefully examined relative to the identity of such property or instruments recognized by them, and the circumstances of the same having been found upon the prisoners or in their houses. The principle of this rule is to be further applied in all instances of circumstantial evidence to which it may be applicable.

Rule to be applied to circumstantial evidence.

Admonition to be read to witnesses.

Sixth. With a view to impress upon the witnesses the necessity of caution and accuracy in delivering their evidence, it shall be the duty of the Mullah Koranee, or of the Brahmin, to repeat aloud to them, in the language which they

they best understand, the following admonition, immediately after they shall have been sworn respectively, *viz.* "In delivering your evidence under the "oath now administered, you are required to declare the truth, the whole "truth, and nothing but the truth. You are carefully to distinguish what "you personally know as an eye-witness or otherwise, from what you may "have heard from others, and are solemnly bound to answer all questions "put to you on the trial before the court, without any regard to the prose-"cutor or prisoner, to the best of your information and belief."

Court of Session to notice any variations in the depositions of the same witnesses.

Seventh. The Court of Session is to be careful to notice on their proceedings any material differences between the depositions of the same witnesses before them and the Magistrate, and are to question the witnesses thereupon and record their answers; but the depositions taken before the Magistrate are not to be read before the Court of Session in the presence of the persons who gave the same, until they shall have been re-examined before the Court of Session.

Depositions taken before the Magistrates not to be read until the witnesses shall have been re-examined.

Depositions to be taken and written in the language in which the deponent is most conversant.—Country papers to be accompanied by a translate.

XV. All examinations and depositions are to be taken and written in the language in which the deponents are most conversant; and the Magistrate shall accompany all papers written in the country language with a translation, for the accuracy of which he is to be responsible.

Two further calendars to be submitted by the Magistrate to the Judges of the Court of Session.—First, Calendar of the prisoners discharged for want of sufficient evidence for committing them for trial, with his reasons for having released them.—Second, Calendar of persons apprehended by him for crimes or misdemeanors, on which he is empowered to decide.

What papers and proceedings are to accompany these calendars.

Court of Session to report to the Governor in Council every instance in which the prisoners in the first calendar have been discharged, or the prisoners on the second released or punished upon insufficient grounds.

XVI. The Magistrate is to lay before the Judges of the Court of Session, upon their arrival, two separate calendars: The first, containing a list of all persons whom he may have apprehended and discharged, for want of sufficient evidence to warrant the committing them to prison or holding them to bail to take their trial for the crime or misdemeanor charged against them, and accompanied with his reasons for having released them, as prescribed in Section IV: The second, comprising a list of the persons whom he may have apprehended for crimes or misdemeanors cognizable by him, the crime or misdemeanor with which the prisoners may have been charged, and the sentence passed upon them. These calendars are to be accompanied with all the original papers and proceedings in each case; and if the Court of Session shall be of opinion that any of the persons mentioned in the first calendar have been discharged, or the persons specified in the second calendar released or punished upon insufficient grounds, they are to report the circumstances, with their opinion on the case, to the Governor in Council.

Magistrate to notify the commitment of proprietors of land, or officers employed in the collection of the revenue or customs, to the Collector or Custom-master.

XVII. If the Magistrate shall commit any landholder or officers employed in the collection of the revenues or the customs to be tried by the Court of Session, he is to notify the commitment to the Collector or Custom-master, that, if necessary, he or they may take measures to prevent any delay in the payment of the public revenue, or other inconvenience or prejudice to the public business.

How European British subjects, charged with crimes or offences committed out of the jurisdiction of the Bombay court of judicature, are to be dealt with.

XVIII. In the event of any act committed by a European British subject, which may render him an object of a criminal prosecution in the Bombay court of judicature, to which court alone European British subjects are amenable, in such cases the Magistrate, upon information of the act being lodged before him upon oath, is to apprehend such British subject, and to make inquiry into the circumstances of the charge without delay. After such

inquiry,

inquiry, if he shall be satisfied in his own mind that there are sufficient grounds for committing such British subject for trial, he is immediately to convey him under safe custody to the Superintendent of Police at Bombay, and to report the circumstances of the case for the information of the Governor in Council. He is likewise to bind over the complainant to repair to Bombay before the session next ensuing, to prosecute, and to take security from the witnesses for their appearance at the trial. In case of the inability of the prosecutor or the witnesses to defray the charge of the journey, the Magistrate is to state to the Governor in Council what pecuniary assistance he would recommend being granted them. All Europeans, not British subjects, are amenable, equally with the natives, to the authority of the Magistrate and to the Judges of the Court of Session for trial in ordinary course.

Security to be taken from the complainant and witnesses in the above cases to appear before the court at Bombay; and pecuniary assistance to be afforded to them if necessary.

All Europeans, not British subjects, amenable to the criminal courts equally with the natives.

XIX. The Magistrate is to visit the jail at least once in every month, and redress all well-founded complaints of ill-treatment which may be preferred to him by the prisoners against the jailer or any officers having charge of them. He is to be particularly attentive to the health and cleanliness of the prisoners, and to see that the Surgeon of the station attends and administers to the sick.

Magistrate how often to visit the jail.—To redress all well-founded complaints of the prisoners against the officers who have the charge of the jail.—To attend particularly to the health and cleanliness of the prisoners.

XX. Separate apartments in the jail are to be allotted for the following description of prisoners:

Prisoners under sentence of death.

Prisoners sentenced to confinement by the Judges of the Court of Session.

Prisoners committed to take their trial before the Judges of the Court of Session.

Prisoners sentenced to confinement by the Magistrate for petty crimes or misdemeanors cognizable by him.

Description of prisoners ordered to be confined in separate apartments.

And as the crimes proved or alleged against the second and third description of prisoners must be of different degrees of atrocity, the Magistrate is required to separate those who have been found guilty or accused of heinous crimes, from such as have been convicted of or charged with crimes of less magnitude. They are likewise to separate the male from the female prisoners, so as to prevent their having any communication with each other; and the rules prescribed in this section for keeping apart the several descriptions of the former are to be considered applicable also to the latter. The Magistrate is further enjoined to endeavour to prevent drunkenness, gaming, and other immoralities being practised in the jail.

Further descriptions of prisoners to be confined in separate apartments.

Females to be kept separate from male prisoners in all cases.

XXI. When the sentence of the Judges of the Court of Session directs a pecuniary compensation to be made to the party injured, the Magistrate, in his capacity of civil Judge, is to cause the sentence to be carried into execution, according to the rules, and by the process prescribed for enforcing his decisions.

Pecuniary compensations ordered by the Judges of Session to be levied by the Magistrate, in his capacity of Civil Judge, by the process prescribed for enforcing decrees in civil suits.

XXII. All complaints or charges, with the orders upon them, are to be recorded in the office of the Magistrate in the English and country languages.

Charges, and the orders passed upon them by the Magistrate, to be recorded in the English and country languages.

XXIII. The Magistrate is to give a reward of ten Bombay rupees for every robber that may be apprehended and delivered into his custody, to be paid upon the conviction of the offender.

A reward of ten rupees to be paid for every robber apprehended and convicted.

Magistrate to pay to persons released, after a confinement of six months or upwards, a sum sufficient for a month's subsistence if they stand in need of it, but in no case to exceed five rupees.

XXIV. The Magistrate is to pay to all persons who may be released from jail after an imprisonment of six months or upwards, calculating from the date of their sentence, and who shall appear to be in actual need of such assistance, a sum sufficient to maintain them for one month. The sum to be paid to each individual is to be regulated by his situation in life; but it is in no case to exceed five rupees, and in every instance is to be confined as much within that amount as may be consistent with the purpose for which the allowance is granted.

Magistrates to pay to prosecutors and witnesses two annas per day each, if they stand in need of it, during their attendance on the Court of Session, and for as many days as may be necessary for them to come from, and to return to their respective homes.

XXV. The Magistrate is to pay to all prosecutors and witnesses, who may appear to be actually in need of such assistance, a daily allowance of two annas each, during their attendance on the Judges of the Court of Session, and the same allowance for as many days as, in his opinion, may be sufficient for such prosecutors and witnesses to come from, and return to their respective homes.

Magistrate to pay the customary diet-money to prisoners, from the time of their apprehension to the date of their discharge.

XXVI. The Magistrate is to pay the customary daily subsistence-money to all prisoners, from the time of their apprehension to the date of their discharge.

Magistrate to transmit the following monthly report, so as to arrive in Bombay by the tenth of the ensuing month.

XXVII. The Magistrate is to transmit to the Governor in Council the under-mentioned monthly report, drawn out according to the English months and in the following form. The report for each month is to be dispatched from his station so as to arrive at Bombay by the tenth of the ensuing month.

Report of Persons apprehended in the Islands of Salsette, Caranja, &c. in the Month of.....

No.	Name.	Abstract of the Crime or Charge.	Date of Apprehension.	Punished, and in what Manner.	Released, or if allowed a Fine.	Committed, and the date of Commitment.	When to be tried.
1	Mahomed.	For assaulting and beating Khosaul.	1st Dec. 1799.	15 Rattans.			
2	Sakoor.	For assaulting Beechoo.	2d Dec. 1799.	.....	Allowed ten rupees, the complaint being groundless.		
3	Jeetoo.	For the murder of Khosaul.	3d Dec. 1799.	.....	.....	Committed 6th Dec. 1799.	

ABSTRACT:—Punished 1
Released 1
Committed 1
Total 3

Prisoners apprehended and not examined, to be inserted in the above report in an additional column, under the head of "not examined."

XXVIII. As it may sometimes happen that, just before the close of the month, a greater number of persons charged with crimes may be brought before the Magistrate than he is able to examine and proceed with as prescribed, previous to the expiration of it, the Magistrate (the occurrence of which, however, it is expected he will use his utmost exertions to prevent)

Magistrate to endeavour to prevent the oc-

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is to insert the names of all persons in that predicament, in the above report of persons apprehended, in an additional column, under the head of "not "examined." currence of the case herein provided against.

XXIX. The Magistrate is to transmit to the Governor in Council the under-mentioned monthly reports, drawn out according to the English months, and in the following forms, as often as there shall be subject for either or all of them. The reports for each month are to be dispatched from the station so as to arrive at Bombay on the tenth of the ensuing month. Magistrate to transmit the under-mentioned monthly reports, so as to arrive in Bombay by the tenth of the ensuing month.

Report of Casualties, and of Prisoners released, in the Islands of Salsette, Caranja, &c. in the Month of .....

No.	Name.	Crime.	Removal, and to what place, and when.	Natural Death, and when.	Escaped, and when.	Released, and when.
1	Mahomed.	Murder.	.....	10th Dec. 1799.		
2	Maussoom.	Theft.	.....	.....	20th Dec. 1799.	
3	Sukeor.	House-breaking.	To ——, 4th Dec. 1799.			
4	Jeetoo.	Assault.	.....	.....	.....	4th Dec. 1799.

Report of Prisoners on whom Sentence has been passed by the Court of Session for the Islands of Salsette and Caranja, &c. in the Month of ....., without Reference to the Governor in Council.

No.	Name.	Date of Commitment.	Crime.	Date of the Trial.	Sentence.	Sentence when passed.	When enforced.
1	Mahomed.	1st Jan. 1800.	Theft.	1st May 1800.	10 Rattans.	2d May 1800.	3d May 1800.
2	Harroo.	3d Jan. 1800.	House-breaking.	2d May 1800.	Imprisonment for one year.	3d May 1800.	4th May 1800.
3	Buxoo.	3d Jan. 1800.	Beating Mugsa.	3d May 1800.	To pay the prosecutor 5 Rs. and to be released.	4th May 1800.	5th May 1800.
4	Aman Allah.	4th Jan. 1800.	Theft.	4th May 1800.	To be released.	5th May 1800.	6th May 1800.

ABSTRACT:—Punished with stripes 1
Imprisoned 1
Fined 1
Released 1
Total 4

Report

Report of Prisoners tried, and whose Causes have been referred to the Governor in Council in the present and former Months, and on whom the Sentence of the Court has not been received.

No.	Name.	Date of Commitment.	Crime.	Date of the Trial.	When referred.
1	Dulal.	1st Dec. 1799.	Murder.	1st Jan. 1800.	2d Jan. 1800.
2	Sheeboo.	2d April 1800.	Robbery.	2d May 1800.	3d May 1800.

ABSTRACT:—Referred in former months 1
Referred in the present month 1
Total 2

Report of the Sentences of the Governor in Council, received in the present Month, upon References made in the current and former Months.

No.	Name.	Date of Commitment.	Crime.	Date of the Reference.	Sentence.	Sentence when passed.	When enforced.
1	Mahomed.	1st Jan. 1800.	Murder.	2d April 1800.	Death.	15th May 1800.	26th May 1800.
2	Dulal.	2d Jan. 1800.	House-breaking.	3d May 1800.	Imprisonment for life.	16th May 1800.	27th May 1800.
3	Namdar.	3d Jan. 1800.	Burglary.	4th May 1800.	Imprisonment for ten years.	17th May 1800.	28th May 1800.
4	Sookoor.	4th Jan. 1800.	Manslaughter.	5th May 1800.	Banishment.	18th May 1800.	29th May 1800.
5	Maussoom.	5th Jan. 1800.	Robbery.	6th May 1800.	39 stripes with the Korah.	19th May 1800.	30th May 1800.
6	Joudee.	6th Jan. 1800.	Theft.	7th May 1800.	To be released.	20th May 1800.	31st May 1800.

ABSTRACT:—Death 1
Imprisonment for life 1
Temporary imprisonment 1
Stripes 1
Banishment 1
Released 1
Total 6

Report of the Prisoners under the Charge of the Magistrate to be tried.

No.	Name.	Crime.	Date of Commitment.	Trial commenced, and when.	Trial not commenced.	At large upon Bail.	In Jail.
1	Mahomed	Theft.	1st May 1800.	Commenced 30th May 1800.	.....	.....	In Jail.
2	Sukoor.	House-breaking.	2d May 1800.	.....	Not commenced.	At large upon bail.	

ABSTRACT:—In confinement 1
At large upon bail 1
Total 2

XXX. The

XXX. The following report of prisoners confined under sentence is to be transmitted to the Governor in Council twice each year, *viz.* on the 1st of May and the 1st of December.

No.	Name.	Imprisonment for Life.	Temporary Imprisonment.	Date of Commitment.	Sentence when passed.
1	Mahommed.	.....	.....	1st Dec. 1799.	1st Feb. 1800.
2	Maussoom.	.....	6 Months.	2d Dec. 1799.	1st Feb. 1800.

Court for the trial of crimes and misdemeanors.

XXXI. For the trial of persons charged with crimes and misdemeanors there shall be a court, to be denominated the Court of Session for the islands of Salsette, Caranja, and their dependencies.

Judges of the Court of Session.

XXXII. The Judges of the Court of Session are to consist of the junior Member of Council, who shall at the time be able, from the state of his health or other necessary cause, to proceed on this duty, together with two civil servants, chosen and appointed for each successive quarterly session by the Governor in Council, to act as the Assessors of the senior Judge or President of the Court.

Oath to be taken by the Judges of Session.

XXXIII. The Judges of the Court of Session, previous to entering upon the execution of the duties of their office, are to take and subscribe the following oath before the Governor in Council:

"I, A. B., solemnly swear, that I will truly and faithfully execute the "duties of a Judge of the Court of Session for the islands of Salsette, "Caranja, and their dependencies; that I will administer justice according "to the Regulations that have been or may be enacted by the Governor in "Council, to the best of my ability, knowledge, and judgment, without "fear, favour, promise, or hope of reward: So help me God."

Register and Assistant to the Court of Session.

XXXIV. The Register and Assistant to the Court of Session shall be the Deputy Secretary and one of the assistants in the Secretary's office for the time being. Previous to entering upon the execution of the duties of their office, they shall take and subscribe the following oath before the Court of Session.

Oath to be taken and subscribed by them.

"I, A. B., Register (or Assistant to the Register) to the court of Session "for the islands of Salsette, Caranja, and their dependencies, solemnly swear, "that I will truly and faithfully perform the duties of Register (or Assistant "to the Register) to this court, according to the best of my knowledge and "ability, and that I will not receive, directly or indirectly, any present or "nuzzer, either in money or effects of any kind, from any party in any "suit or prosecution to be instituted, or which may be depending or have "been decided in the Court of Session, of which I am Register (or to the "Register of which I am Assistant), nor will I, directly or indirectly, derive "any advantage or emolument whatever from my office, excepting such as "the orders of the Governor in Council do or may authorize: So help "me God."

Four general jail deliveries to be made annually. Judges to hold a session for that

XXXV. There shall be four general jail deliveries annually; for which purport the Judges shall hold a session the 1st of February, the 1st of May,

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purpose on the 1st of February, the 1st of May, the 1st of August, and the 1st of November, at the residence of the Magistrate, if there shall so often be any prisoners to be tried.—Judges to remain at the station of the Magistrate until all the prisoners whose trials can be completed are tried, and sentence upon them is passed, or their cases are referred to the Governor in Council.

the 1st of August, and the 1st of November, at the place of residence of the Magistrate: and unless it be found indispensably necessary, from the non-attendance of any material evidence, or other sufficient cause, to postpone any trial until a future session, shall remain at the station until all persons committed or held to bail, for trial by the Magistrate, shall have been tried, and (in matters on which sentence is directed to be passed by the Judges) sentence shall have been passed upon them, or (in cases in which the Judges are not authorized to pass sentence) the trial shall have been referred to the Governor in Council.

Manner in which the trial of the prisoners is to be conducted.

XXXVI. The proceedings on the trial of prisoners are to be conducted in the following manner. The charge against the prisoner, his confession (which is always to be received with circumspection and tenderness) if he plead guilty, or if he plead not guilty, the evidence on the part of the prosecutor, the prisoner's defence, and any evidence which he may have to adduce, being all heard before him, the Judges are to determine as to the matter of fact; and in the event of their deeming the charge not proved, they are immediately to pronounce the party acquitted, and to discharge him from the bar: but where, on the contrary, they consider any degree of guilt as proved on the party, they are to proceed to judgment, if the prisoner be a Christian or Parsee, on the principles of the English law; but if the party tried be a Mohammedan or Hindoo, the Judges are to draw up a summary of the case, which is to conclude by a question thereon to be stated to the aforesaid native expositors as to what punishment the legal prescriptions of the law of the prisoner assign to such offence; on the ascertainment of which the Judges of Session are, on the spot, to pronounce judgment on the party accordingly, except in cases in which they are expressly directed not to pass sentence, and to proceed to issue their warrant for the execution of it without further reference or delay: provided, however, that, in all cases where a prisoner may be condemned by such sentence to suffer death or imprisonment for life, the Judges shall transmit a copy of the sentence, and of all the papers and proceedings read or recorded during the trial, with translates in English, to the Governor in Council, and shall not execute such sentence, but shall wait his final judgment.

Persons allowed to prosecute by Vakeel.—This rule not to prevent the Court requiring, if necessary, the personal attendance of prosecutors, not being women of such rank and situation in life as would render it improper to compel them to appear in a court of justice.

XXXVII. The prosecutor is to be allowed the option of carrying on the prosecution in person, or by a Vakeel duly appointed. This rule, however, is not meant to prohibit the Judges' causing prosecutors to attend in person, in every case in which their *vivâ voce* evidence shall be deemed necessary, provided they be not Mohammedan, or Hindoo, or Parsee women, of a rank and situation in life which, according to the custom and prejudices of the country, would render it improper to compel them to appear in a court of justice.

How the evidence of prosecutors or witnesses of the above description is to be taken.

If prosecutors or witnesses on a trial shall be women of this description, and their evidence shall be deemed necessary, and the case shall be of such a nature as to admit of its being taken by commission, the Judges shall not require the attendance of such women, but shall depute persons to take their evidence, in such manner as may be most conducive to certainty and consistent with the manners of the country.

How the court is to proceed in case the depositions of any witnesses cannot be obtained.

XXXVIII. If the attendance of any witness on the part of the prosecutor or prisoner, whose evidence the law may not allow to be taken by commission,

sion, cannot be procured, or if any witness cannot be found, the Judges may postpone the trial until the next session, provided there shall appear to them sufficient cause for so doing. If the attendance of such witnesses cannot then be procured, or if he shall not have been found, the Judges may, in like manner, postpone the trial a second time: but if the Judges and their law officers shall be of opinion that the evidence of any witness or witnesses who may be absent is not necessary, they shall complete the trial without the evidence of such witness or witnesses.

In cases of murder, the law officers to deliver their futwas, according to Yusuf and Mohammed.

XXXIX. On trials for murder, the law officers shall, where the parties tried are Mohammedans, deliver their *futwah*, or law opinions upon the case, according to the doctrine of Yusuf and Mohammed; respecting which and the law of the Hindoos, likewise, the Judges may refer to the translation of the Hedaya by Hamilton, and of the Hindoo laws by Halhed and Sir William Jones, as likewise to the tract entitled "Observations," now constituting part of the criminal code for the province of Malabar, for the purpose of assisting them in appreciating the accuracy and applicability of the expositions of the Cauzy and Pundit on the trials that shall come before them, and being also guided by the rules in the latter, as far as regards the doing away all operation of the will of Mohammedan heirs in cases of homicide, and availing themselves of the distinctions drawn, and rules laid down from the seventy-ninth section of the said series of "Observations," for apportioning their sentence on criminals of either the Hindoo or Mohammedan persuasions, to the respective degrees of their guilt.

No criminal to suffer mutilation.

Punishment to be inflicted in lieu of it.

XL. No criminal shall suffer the punishment of mutilation. If a prisoner shall be sentenced, in conformity to the exposition of the law officers, to lose two limbs, instead of being made to undergo such punishment he shall be imprisoned and kept to hard labour for fourteen years; and if any prisoner shall be so sentenced to lose one limb, he shall, in lieu of such punishment, be imprisoned and kept to hard labour for seven years. The Judges are accordingly directed, whenever any criminal shall be sentenced to suffer mutilation, to commute such punishment for imprisonment and hard labour for the term above prescribed, and to issue their warrant to the Magistrate for that purpose.

Rule in respect to sentences for *deyat* or the price of blood.

XLI. In the event of the answer of the law officer ascertaining, in the case of Mohammedan culprits, the penalty of the law to be *deyat*, or the price of blood, the Court of Session to commute the fine to imprisonment for such period as it may consider adequate to the offence.

How the court is to proceed if disapproving of the legal exposition of the law officers; and authority of the Governor in Council thereon.

XLII. Whenever the Judges shall disapprove of the exposition of the law, they are not to pass sentence on such cases, but shall complete the trial, and transmit to the Governor in Council a copy of all the proceedings, and the legal expositions of the law officers, with a separate letter, stating the grounds of their disapproval, and leave the case to his judgment, which may be either in concurrence with the exposition of the law, or in mitigation, but not in enhancement of the requisition thereof, and such judgment is to be valid and final.

Religious persuasions of witnesses not to invalidate their testimo-

XLIII. The religious persuasions of witnesses shall not be considered as a bar to the conviction or condemnation of a prisoner, in cases in which the evidence

ny.—How the courts are to proceed where the law declares witnesses incompetent, because they are not Mohammedans.

evidence given on a trial would be deemed incompetent by the Mohammedan law, solely on the ground of the persons giving such evidence not professing the Mohammedan religion.

Courts to transmit all trials in capital cases, with translates, to the Governor in Council, as early as possible, but always within ten days.

XLIV. The Court of Session is to transmit to the Governor in Council copies and translates in English of the proceedings on the trial of all prisoners whom they may sentence to suffer death, or who may, in their opinion, be deserving of capital punishment, within ten days after the trial is completed, or as much earlier as from the state of business may be practicable.

Punishment to be inflicted on persons guilty of contempt of court in open court.

XLV. The Court of Session is empowered to direct the Magistrate to cause any person or persons who may be guilty of contempt of court, in open court, to suffer corporal punishment with a rattan, not exceeding fifteen strokes, or imprisonment for any term not longer than fifteen days.

Incapacity or misconduct in public duty, or profligacy in private behaviour in the law officers, to be reported to the Governor in Council.

XLVI. The Court of Session is to report to the Governor in Council every instance in which it shall appear to them that the native law officers have shewn incapacity for their offices, or have been guilty of misconduct in the performance of their duty, or of any acts of profligacy in their private conduct.

Judges to visit the jails, and to issue orders for the better treatment and accommodation of the prisoners.

XLVII. The Judges are to visit the jails on the occasion of each session, and to issue to the Magistrate such orders as may appear to them advisable for the better treatment and accommodation of the prisoners.

Neglect or misconduct of the Magistrate to be reported by the court to the Governor in Council.

XLVIII. The Court of Session is to report to the Governor in Council every instance in which it shall appear to them that the Magistrate has been guilty of neglect or misconduct in the discharge of his duty, and also whenever the Magistrate omits or refuses to obey their orders.

The opinion of the majority of the Court of Session to decide on all questions.

XLIX. If a difference of opinion shall arise on any question, and the three Judges shall be present in court, the opinion of the majority shall be adopted. Judges are required, in such cases, to record the grounds of their respective opinions upon the proceedings.

Court to suggest such propositions as may appear to them expedient for the better regulation of trials, or the administration of justice or the police.

L. The Judges are to submit to the Governor in Council such rules as may appear to them calculated for the better regulation of the trials of prisoners, the administration of justice, or the police of the country.

Court to have cognizance of all matters relating to the administration of criminal justice and the police.

LI. The court is empowered and directed to take cognizance of all matters relating to the administration of justice in criminal cases, and the police of the country, and to submit to the Governor in Council such regulations regarding them as it may deem advisable.

LII. The Governor in Council shall have jurisdiction and authority to decide on all matters referred to him from the Court of Session under Sections XXXVI. and XLII; wherein, after considering the proceedings, he is either to require further evidence, if he see occasion, or to pass such final sentence as may appear consonant to justice and conformable to the law of the religion of the party or parties tried, or to the custom of the country, without being bound by the former in cases of Mohammedan culprits, where the law of that religion may declare the prisoner not liable to capital punishment, from the heirs of the slain not being legally entitled to demand *kissas*, or retaliation, or by its failure from the parties standing in the relation of

parent

parent and child, or master and slave, or otherwise; in which cases the final sentence is to be pronounced, as if the parties had not stood to each other in these relations.

LIII. If any criminal who may be sentenced to suffer death shall appear to the Governor in Council to be a proper object for mercy, a pardon may, in this last resort, be granted to him or to her, or such commutation of the punishment may take place as may seem proper.

Governor in Council to pardon or commute the punishment of criminals sentenced to suffer death who may appear deserving of mercy.

LIV. The Secretary to the Government, acting as Register to the tribunal of the Governor in Council, in this last resort, shall, within three days after the passing of the final sentence, transmit a copy of it, under his official signature, to the Magistrate, with direction to cause it to be carried into execution. The Magistrate, upon the receipt of this warrant, shall cause the sentence to be executed without delay, and immediately thereon certify to the Secretary to the Government the manner in which the sentence has been executed.

The Secretary to the Government to transmit to the Judge an official copy of the final sentence within three days after its being passed, which is to be executed without delay, and reported to the Secretary to Government.

LV. The Governor in Council is authorized to order any prisoner sentenced to imprisonment for life, or for a limited period, the same being for seven years or upwards, to be transported to some place beyond sea; and the Magistrate is, at every jail delivery, to cause a proclamation to be read and affixed in his cutcherry, notifying that all persons who may be sentenced to be confined for life, or for a term of seven years and upwards, for murder, robbing, or plundering or burning houses or property, or any other crime of a heinous nature, will be liable to transportation to some place beyond sea, by order of the Governor in Council, to whom a reference is to be made by the Magistrate, in all instances wherein he shall consider the parties convicted to be proper objects for transportation, under the sentences passed against them for imprisonment.

The Governor in Council authorized to commute sentences of imprisonment for life or seven years and upwards to transportation.

Proclamation to this purport to be published at every jail delivery.

A.D. 1799. REGULATION VI.

A Regulation *for enacting the existing Rules for the Collection of the Bombay Customs:* Passed *by the Governor in Council on the 31st December* 1799 *(corresponding with the 5th Pooshsood, Sumbut or Vekramajit Era,* 1856; *Salbahan,* 1721; *and 4th Shaban,* 1214 *Hejry).*

I. The system now in force for the collection of the customs at the port of Bombay is principally founded on the Regulations passed by the Government of this Presidency in the year 1795, in pursuance of orders dated in the year preceding from the Court of Directors, to which have since been added various subsidiary rules, which are now reduced into form in the following clauses and sections, for the guidance of the proper officers and the greater convenience of the public.

II. *First.* A Custom-house is established at Bombay for the collection of the customs on goods imported, under the rules hereafter prescribed.

Bombay customs.

Second. The duties are to be levied by an officer, who is to be styled the "Custom-master of Bombay." Previous to entering upon the duties of the office,

To be levied by an officer to be styled the Custom-master of Bombay, who is to take an oath.

office, he shall take and subscribe the following oath before the Governor in Council, or any person whom he may commission to administer it:

Oath.

"I, A. B., solemnly swear, that I will faithfully discharge the duty of "Custom-master at Bombay; that I will not, directly or indirectly, by "myself or others, be concerned in, or allow of, any collections being made, "but such as are authorized by, and brought to the credit of Government; "that I will not be concerned, directly or indirectly, in the purchase of "any goods or commodities in the island of Bombay or its dependencies, "for the purpose of remitting money to Europe, nor in any commercial "transaction; that I will not take or receive, or knowingly allow any other "person to take or receive, any present, gratuity, fee, or advantage what-"soever, on account of any matter relating to the duty of my office, except-"ing such as now is, or may be hereafter authorized by the Governor in "Council: So help me God."

Custom-house to be open from half-past nine in the morning till five in the evening.

Third. The Bombay Custom-house is to be open for the transaction of business every day, from half-past nine o'clock in the morning to five o'clock in the evening.

Rules for the collection of the Bombay customs.

III. *First.* The following are the rules prescribed for the collection of the duties on imports.

An officer to go on board every vessel with a general printed requisition.

Second. On the arrival of every merchant vessel in the port, an officer of the Custom-house will proceed on board with the following general printed requisition:

Form of requisition.

"The commanding-officer of the ship or vessel just anchored will be "pleased to fill the following blank report, for the information of the "Honourable the Governor:

"Vessel's name?
"Of what nation?
"Commander?
"From what place did she commence her voyage for this port?
"When?
"At what ports, and when, did she touch upon her passage?
"Did she speak any and what ships, and where, upon her passage?
"Any passengers, and who?
"Does she bring any and what intelligence?"

The first requisition being returned, a second to be sent.

Third. The above particulars being ascertained, a second requisition shall be sent in the following form:

Form of second requisition.

"To the Commander or Supercargo of the ship .....

"Sir:

"The Honourable the Governor in Council directs that, previous "to any merchandize being allowed to be landed from your ship, you con-"form to the following requisitions.

Note. If the ship is under English colours, the lines in italics are to be omitted.

"You will be pleased to deliver into my office *your pass and other creden-"tials concerning your ship, which shall be returned to you after they shall have "been inspected by Government,* the name or names of your owner or owners, "ship's burthen and the port she last cleared out from.

"Within twenty-four hours after your arrival, you will deliver into my "office a true and perfect manifest of all goods and merchandize laden on "board your ship, agreeably to the following form:

"*Manifest*

" *Manifest of the Cargo of the Ship .....*, *from .....*, ...
" *Commander, under ..... Colours.*"

Marks.	Numbers.	Packages.	Weight or Quantity.	Description.	When shipped.	Consigned to	Prime Cost.

" To this manifest you must subjoin an affidavit, in the following form, " and execute it before a Justice of Peace:

Affidavit to be annexed to the manifest and sworn to.

" A. B., Commander or Supracargo of the ship C., maketh oath and saith, " that the annexed manifest, to the best of his knowledge and belief, " contains a true and just account of all goods and merchandize imported " on the said ship C. into the port of Bombay, and that the sums written " opposite to the articles on his account are the true and just prime cost: " So help you God.

Form of affidavit.

" Sworn to before me
" this ....."

" You are also informed, that should any goods, not contained in the " foregoing manifest, be landed, they will be liable to confiscation.

Goods landed not manifested liable to confiscation.

" I am, Sir, &c."

Fourth. The Master or Supracargo shall next proceed to swear to his manifest before a Justice of Peace, and deliver it into the Custom-house.

Manifest to be sworn to.

Fifth. Commanders of country merchantmen, or their owners, previous to any merchandize being landed from them, must prepare a general manifest, in the form prescribed in Clause *Third* of this section, subjoining an affidavit in the following terms, according to the circumstances of the case:

When the cargo belongs to different freighters, the commander or owner to frame a general manifest, and the freighters or their agents to attest their respective proportions in separate manifests.

" I, A. B., Commander, C. D., Owner, E. F. and G. H., Agents for the " Freighters, J. K. and L. M., make oath and say, &c."

They are to present themselves before a Justice of the Peace, and attest their respective proportions of the cargo and the prime cost thereof; and then to deliver in this manifest, so attested, to the Custom-house.

Sixth. The Custom-master is to prefer a requisition to the Commanders of the Honourable Company's chartered ships, on their arrival, in the following terms:

A printed requisition to be sent to Commanders of the Honourable Company's chartered ships.

" To A. B., Esq. Commander of the Honourable Company's ship C.
" Sir:

" I am commanded by the Honourable the Governor in Council " to direct, that previous to any permission being granted for landing private " trade from the Honourable Company's ship C., yourself and officers attend " one of His Majesty's Justices of the Peace with a particular account of " your respective investments. You and they are, in his presence, to take " and subscribe an oath in the following words, to be subjoined to the " respective

Form of such requisition.

" respective accounts of your investments, which are then to be delivered " into my office.

Form of affidavit.

" I, A. B., Commander, C. D., Chief Mate, &c. &c. make oath and say, " that the above copy of my respective investment exhibits a true and faithful " statement of the whole thereof, and the prime cost of every article as " expressed therein.

" Sworn to, this .....

" day of .....

" before me ....."

No merchandize to be landed until all the requisite forms shall have been observed, and all goods landed without being manifested are liable to confiscation.

IV. No merchandize shall be permitted to be landed until the above rules shall have been observed: should any goods not included in the manifest be afterwards landed they shall be liable to confiscation.

After the required forms have been observed and the duties paid, the goods to be landed and passed.

V. When the above forms shall have been observed, and the bill for customs paid, the owners or freighters of the merchandize shall be permitted to land and pass their goods.

All packages to be landed at the Custom-house.

VI. All goods and packages without exception shall be landed at the Custom-house.

Certain packages to be passed at the discretion of the Custom-master, and duties on manifests to be settled by him without reference.

VII. Parcels for gentlemen and necessaries are to be passed at the discretion of the Custom-master, and the duties on ships' manifests settled by him without any reference.

No goods to be landed without permits.

VIII. *First.* No goods shall be landed or passed without a note or permit; and great care shall be taken, that no more goods are passed than the quantity specified in the permit.

Bills for the duties to be made out.

Second. The Custom-master is to make out bills for the duties, agreeably to the following rules.

Duty of two and a half per cent. to be levied on the manifest prices with an established advance.

Third. The rate of duty to be collected at the Custom-house shall be two and one-half per cent. on the manifest prices, with an established advance thereon, as regulated in the subsequent clauses.

Grain exempted from duty, and the Clerk of the Market to send to the Custom-master a weekly report of the prices of the different kinds of grain.

Fourth. Grain of all sorts to be exempted from duty; and the Clerk of the Market is to send a weekly report to the Custom-master of the prices of the different articles of grain, that, in the event of any uncommon decrease in the quantity at market, a temporary prohibition may be laid on the exportation of it.

No export duties.

Fifth. All export duties are withdrawn.

All goods imported from Bengal pass duty free, on producing the required certificates.

Sixth. All goods, of whatever description, imported at this Presidency and its subordinates from Bengal, to be exempted from customs, on producing the certificates required by the Government advertisement of the 1st May 1795: but if they are not accompanied by the requisite certificates, they are to be assessed at an advance of fifteen per cent. and charged with duties.

Arrack, the manufacture of Bencoolen, to pass duty free.

Seventh. Arrack, the manufacture of Bencoolen, to be exempted from duties.

All goods though free of duty to be manifested.

Eighth. But all goods, though free of duties, are to be manifested, that Government may have a knowledge of the extent of the trade therein.

Duty to be paid on arrack and tobacco imported by the farmers.

Ninth. Tobacco and arrack, imported by the farmers of those articles, to pay the duty prescribed by their leases with Government.

Duty levied on Goa arrack.

Tenth. Arrack common, the manufacture of Goa, to pay an import duty of two and one-half per cent. besides the duty to the arrack farmer.

Eleventh.

Eleventh. All slaves imported to be subject to a duty of one hundred rupees each on importation. Duty levied on slaves.

Twelfth. The Custom-master is authorized to levy certain fees, as hereunder specified. The Custom-master authorized to levy certain fees.

Statement of Fees received by the Bombay Custom-master.

	Rs.	Q.	R.
On the amount of every bill for customs, if the same exceed seven rupees and under Rupees 100, a fee of	0	2	40
On all bills above Rupees 100	1	0	80
On cocoanuts exported, per 1000	0	0	25
Tolamny or weighing fee: all weighable goods one-quarter per cent. on their valuation	0	1	0
On every boat cleared outwards with goods to the value of Rupees 10 and upwards	0	2	40
Boats cleared out empty	0	0	80
On ditto to Muscat, or down the coast, with goods or empty	0	0	80
On small boats to the shore opposite the harbour	0	0	40
On passage-boats	0	0	16
On jungars empty	0	1	20
On ditto laden with hay or straw	0	3	0
On single canoes with ditto	0	1	50
On every boat of green grass	0	1	20
On ditto with cand and woonda wood	1	2	32
On ditto with cand wood	1	0	24
On ditto ..... ditto from Hatvoy	1	1	40
On ditto with woonda wood	1	3	20
On every boat with billet-wood	0	3	60
On ditto ..... salt wood	0	0	90
On ditto ..... chunam wood	1	2	32
On ditto ..... earthen pots	1	2	0
On ditto ..... bricks	1	2	0
On ditto ..... tiles	1	2	0
On batty, every morah imported	0	0	60
On beaten rice, per candy	0	0	64
On wheat, unbeaten rice, grain, juary, badjeree, &c. per candy	0	0	40
On Bengal rice, per candy	0	0	40
Two-fifths of a quarter of a rupee fee collected on each candy of cotton imported	0	0	40

Statement of Fees received by the First Assistant to the Custom-master.

Bengal rice, per candy	0	0	10
Beaten rice	0	0	32
Unbeaten ditto	0	0	24
Sundry grains	0	0	24
Batty, per morah	0	0	40
Searching fees with goods	0	1	20
Ditto ..... empty	0	0	20
Certificates or boat-passes	0	2	0
Bundle wood, per boat	0	2	40

	Rs.	Q.	R.
On every boat with cattle	0	2	0
On ditto ..... ditto from Surat	1	0	0
On ditto ..... bably wood	1	0	0
On ditto ..... green grass	0	0	60
On cotton, one-fifth share of the fee collected	0	0	20

In Foreign Ships.

Duties to be levied on merchandize imported in foreign bottoms.

Thirteenth. Foreign ships. An advance of sixty per cent. to be added to the prime cost of the goods imported on foreign bottoms, and the duty of two and a half per cent. levied on the aggregate.

In British Ships.

Duties to be levied on the investments of the Officers of the Honourable Company's ships on the prime cost, without any advance.

Fourteenth. The duties on the investments of the Commanders and Officers of the Company's chartered ships to be levied on the prime cost, attested on oath.

Individuals importing goods from Europe to pay the same duty as the Officers of the Honourable Company's ships.

Fifteenth. Individuals importing goods from Europe to pay duties on the prime cost, the same as the Commanders and Officers of the Company's chartered ships.

What advance to be added to the manifest prices of goods the produce of the Coromandel coast.

Rate of exchange.

Sixteenth. On goods the produce or manufacture of the Coromandel coast, an advance of fifteen per cent. is to be added to the prime cost, and the duty levied on the aggregate, rating the exchange at three hundred and fifty Bombay rupees per one hundred star pagodas.

In what manner duties are to be levied on cargoes imported on Macao ships.

Seventeenth. Duties on cargoes imported on Macao ships to be levied on the amount sales delivered into the Custom-master, on oath.

What advance to be added to the manifest prices of China goods.

Eighteenth. On China goods an advance of twenty per cent. is to be added to the prime cost, and the duties levied on the aggregate.

What advance to be put on Malabar, Guzerat, Scindy, Cambay, Cutch, Gaunt, and Pegu goods.

Nineteenth. On goods from Malabar without the province, from Guzerat, Scindy, Cambay, Cutch, Gaunt, Pegu, ten per cent. to be added to the prime cost, and the duties levied on the aggregate.

Advance on Bussorah, Mocha, Judda, coast of Africa and Malacca goods.

Twentieth. Fifteen per cent. to be added to the prime cost of goods coming from Bussorah, Mocha, Judda, and other ports of the Gulphs of Persia and Arabia, the coasts of Africa and Malacca, and the duties levied on the aggregate.

Advance on Batavia goods, arrack excepted.—Arrack to be assessed at fifty-five rupees per leager.

Twenty-first. From Batavia (arrack excepted) twenty-five per cent; and arrack is to be assessed at fifty-five rupees per leager, without any allowance for leakage or ullage, and the duties charged accordingly.

Goods landed expressly for re-exportation or transhipped in the harbour to pay duties, and no drawback allowed.

Twenty-second. Goods landed expressly for re-exportation, or transhipped in the harbour, are to pay the same import duties as other goods, and no drawback or exemption whatever is to be allowed.

Bills for customs to be paid at the Custom-house, and no goods to pass until the customs are paid.

Twenty-third. The bills for customs must be paid at the Custom-house, and the Custom-master is not to pass the goods until the customs are paid.

Goods which have paid duties in Malabar to be exempted from duties here, on producing the requisite certificates.

IX. Goods which have paid duties in Malabar are to be exempted from paying duties here, provided the goods are accompanied by the necessary certificates.

Certificates of duties having been paid at Madras admitted in exemption of duties here.

X. Certificates of duties having been paid at Madras to be admitted in exemption of duties here, provided such certificates accompany the goods.

Ceylon certificates not admitted in exemption of duties here.

XI. Certificates from Ceylon not admitted in exemption of customs at this port.

XII. Customs

XII. Customs upon the cargoes of American ships to be regulated agreeably to the thirteenth article of the Treaty of Amity, Commerce, and Navigation, between Great Britain and America; by which article it is provided, that "the citizens of the United States shall pay no other or higher duties "or charges on the importation or exportation of the cargoes of their ves- "sels, when admitted into the British territories in the East-Indies, than "shall be payable on the same articles when imported or exported in "British vessels."

Customs on cargoes of American ships to be regulated agreeably to the thirteenth article of the Treaty of Amity, Commerce, and Navigation.

Substance of the thirteenth article.

XIII. The Mahratta boats from Bassein to Panwell, and other southern ports, to pay duty at Tannah, according to the invoice, without being obliged to break bulk, on condition that their goods be forfeited in the event of fraud, either as to rates or quantity, being proved against them, in their respective invoices, if such goods are landed at Bombay.

The Mahratta boats from Bassein to Panwell, and other southern ports, to pay duty at Tannah on their invoices, without breaking bulk.

Penalty in case of fraud.

XIV. As it has hitherto been found impracticable to procure from the Naquedas, Syrangs, or Tindals of dows, dingeys, botellas, and other small craft, correct manifests of their cargoes, in the form prescribed in Section III, it is ordered that, until experience shall prove to them the utility and convenience of adhering more strictly to the form required, they shall deliver in to the Custom-master a manifest, without oath, signed by the Naqueda, Syrang, or Tindal, or the broker to whom the goods are consigned. If on examination of the import notes when the bill for customs is settled, it shall appear that more has been landed than has been manifested, if it exceed ten per cent. such excess shall be confiscated, and its value forfeited, after deducting the ten per cent. aforesaid, as an allowance for errors and oversight. In like manner, if a less quantity shall be landed than has been manifested, and not proved to remain on board, the value of the deficiency shall be forfeited, after deducting a similar allowance of ten per cent. for errors and wastage, on the presumption that means had been found to make away with the difference in the harbour.

Naquedas, Syrangs, and Tindals of dows, dingeys, botellas, &c. permitted to deliver manifests without subjoining an oath.

Penalty in case of fraud.

XV. Manifests not required from Lascars of ships and boats of goods *bond fide* their own property, but customs to be collected on the market price at the time of importation.

Manifest not required from Lascars for goods *bond fide* their own property.

XVI. The Custom-master is to give the strictest injunctions to his assistants and others employed under him, not to shew any favour to any merchant more than another, in the dispatch of his business at the Custom-house; but the preference, in that respect, is constantly to be given to those who apply first, and so on in the order of their respective applications.

No favour to be shown to one merchant more than another, in the dispatch of his business at the Custom-house.

XVII. *First.* If any attempt shall be made to tranship goods bearing customs without a regular permit, such goods shall be liable to confiscation; and after ascertaining the value thereof, and deducting the customs due thereon, the remainder shall be divided into equal shares, one share whereof shall go to those concerned in seizing the goods, and the other share to the Honourable Company.

Goods transhipped without regular permits liable to confiscation.

Manner in which the value is to be disposed of.

Second. The Custom-master may, however, grant permits, in such cases as to him shall seem fit, for transhipping goods, without their being previously landed and searched, and such goods are then to pass from one ship to another without hindrance or molestation.

The Custom-master may grant permits for transhipping goods in certain cases.

XVIII. If

Goods attempted to be carried to the Mahratta shore clandestinely to be confiscated.

XVIII. If any person shall attempt to carry clandestinely to the Mahratta shore any goods bearing customs, the whole shall be forfeited and the value divided as above.

New stores attempted to be transhipped without a permit to be confiscated.

XIX. If any person shall attempt to tranship new stores of any kind from one vessel to another, under any pretence whatever, without a regular permit first obtained, the whole shall be forfeited and the value divided as above.

Goods attempted to be passed through the Custom-house without a regular permit to be confiscated.

XX. If any person shall attempt to pass goods through the Custom-house, without a regular permit for that purpose in the form prescribed, such goods shall be forfeited and the value divided as above.

Goods, though accompanied by certificates, to be inspected at the Custom-house; and if any difference appears, half duties to be collected on the whole.

XXI. No merchant, although possessed of a certificate, shall be suffered to pass his goods at the Bombay Custom-house until they shall be regularly inspected; and if they shall be found to be superior in quality or more in quantity than the certificate describes, half customs shall be collected on the whole.

When goods are stopped, on the ground of being liable to confiscation, the case to be submitted to the Governor in Council for decision.

XXII. Whenever goods shall be stopped, on the ground of their being liable to confiscation, the Custom-master shall submit the case to the Honourable the Governor in Council for his decision.

The Custom-master to be furnished with special orders regarding any exemption of duties.

XXIII. In cases in which Government may deem it proper to grant exemptions from duties to individuals, the Custom-master will be furnished with special orders regarding such exemptions.

XXIV. An abstract of all rates and regulations to be observed on the importation of ships, to be printed and hung up in a conspicuous part of the Custom-house.

On the importation of foreign ships, the Custom-master to receive notification when the obstacles to their commercial intercourse shall be removed, when he is to proceed in the duty of his department.

XXV. The Regulation II, 1799, having enacted certain forms to be observed on the importation of foreign ships previous to their having any communication with the shore, the Custom-master will receive the notice therein provided when the obstacles to their commercial intercourse shall be removed; the Custom-master will then proceed in the necessary duty of his department.

Form to be observed, and documents to be produced, on applying for ship's port clearances.

XXVI. No port clearance for any ship or vessel to be granted, until the following documents shall be produced at the Custom-house by the person applying for the clearance.

Certificates from the Marine Store-keeper and Marine Pay-master required.

First. A certificate from the Marine Store-keeper, and a certificate from the Marine Pay-master, that all demands in their respective offices have been satisfied.

A letter from the Secretary to Government.

Second. A letter from the Secretary to Government, that a list of Europeans on board had been delivered, and that Government are satisfied therewith, and that the captain and officers have executed the necessary covenants.

A list of passengers.

Third. A list of passengers; and should there be none, it must be so noted on the port clearance.

An account of the export cargo.

Fourth. An account of their export cargo.

Ship's pass.

Fifth. The ship's pass, which must be in every respect satisfactory.

A letter from the Superintendent of Police.

Sixth. A letter from the Superintendent of Police, signifying that the Honourable the Governor has not any objection to the port clearance being granted.

XXVII. When

When all the forms have been gone through the Custom-master to grant a port clearance,

XXVII. When Commanders of vessels shall have conformed to the rules prescribed to them in the clauses of the preceding section, the Custom-master shall then grant a port clearance to them in the usual form.

Which is to be countersigned by the Superintendent of Marine as an authority for her departure.

XXVIII. The Custom-master's port clearance to all ships or vessels is to be countersigned by the Superintendent of Marine, in testimony of all the regulations regarding his department having been duly observed, and as an authority for her departure.

Merchant vessels sailing without port clearance, the Commander will be considered as having forfeited the Honourable Company's license.

XXIX. If any merchant vessel shall sail out of this harbour without a clearance, the Commander will be considered to have forfeited the Honourable Company's license and be sent to Europe.

Goods lodged on the Bunder pier and in the Custom-house area not to remain longer than twenty-four hours.

XXX. In order to prevent the Bunder pier and Custom-house area from being lumbered in the fair season, goods which shall be landed there shall not be permitted to remain longer than twenty-four hours.

A. D. 1800. REGULATION I.

A Regulation *for the Institution of a Court of Justice in Surat, for the Trial of Civil Suits, in the first Instance, as prescribed by the Honourable the Governor of Bombay, under date the 20th of May* 1800, *whilst at Surat, in the full Possession and exclusive Exercise of the entire Powers of the Bombay Government, as far as related to the said City and its Dependencies, and thereafter confirmed by the Governor in Council, on the 1st of August* 1800 *(corresponding with the 11th Shravan Sood, Sumbut or Vekramajit Era,* 1857*; Salbahan,* 1722*; and 9th Rebya ul avul,* 1215 *Hejry).*

Preamble.

I. By the articles of agreement between the Honourable Company and Mea Atchund, otherwise styled the Nawaub Mayen ud-dien Khan Behadur, in the year 1759, a Naib of their nomination was appointed, with full powers in his own person to exercise all the prerogatives and privileges attached to that office in its fullest extent; which, with the rights that devolved to the Company, as Governor of the castle and Commander of the fleet at Surat, have ever since vested in their representatives, the Chief, and Chief and Council, a greater or less authority, not only within the limits of the English factory, but over the exercise of the judicial processes of the native interior administration, more especially in cases where the objects of it had recourse to its jurisdiction for protection in the first of its afore-mentioned characters, to which, in case of need, they were constitutionally entitled to resort; but the protection of the city having subjected the Honourable Company to a heavy expense, and the system of internal government thus observed in it having been found inadequate to the security of the persons and property of the inhabitants, a treaty was, on the 13th of May 1800 (agreeing with the 19th of Zilhuj 1214 of the Hejry), concluded between the Honourable English East-India Company and the Nawaub Nusseer-ud-dien Khan, whereby the said Nawaub agreed that the management and collection of the revenues of the city of Surat, and of the territories, places, and other dependencies thereof, the administration of civil and criminal justice, and

generally the whole government of the said city and its dependencies, shall be vested for ever, entirely and exclusively, in the Honourable English Company; and further, that courts be established for the due administration of civil and criminal justice, under the sole authority of the said Company, and regulated by such orders and rules (framed with a due regard to the existing laws and usages of the country) as shall from time to time be published by the Government of Bombay; towards carrying which stipulations into effect the following Regulation is made and enacted.

A court of justice, with civil and criminal jurisdiction, established in and over Surat.

II. There shall be established a Judge and Magistrate, vested, in the former capacity, with civil, and in the latter, with criminal and police jurisdiction, in and over the city and port of Surat and town of Randeir and their dependencies.

Oath to be taken by the Judge.

III. The Judge and Magistrate is, previous to entering into the execution of the duties of his office, in the first-mentioned capacity, to take and subscribe the following oath before the Governor:

"I, A. B., appointed Judge in and over the city and port of Surat and "town of Randeir and their dependencies, do solemnly swear, that I will "administer justice conformably to the Regulations that have been or may be "passed by the Governor in Council, to the best of my ability, knowledge, "and judgment, without fear, favour, promise, or hope of reward; that I "will not receive, directly or indirectly, any present or nuzzer, in money "or effects of any kind, from any party or person whomsoever, on account "of any suit to be instituted, or which may be depending or have been "decided, in the court of which I am appointed Judge; that I will not "knowingly permit any person or persons under my authority, or in my "immediate service, to receive, directly or indirectly, any present or nuzzer, "in money or effects, from any party or person whomsoever, on account of "any suit to be instituted, or which may be depending or have been decided "in the court; that I will render a true and faithful account of all sums of "money that may be paid into the court or disbursed from it; that I will "not be concerned, directly or indirectly, in the purchase of any goods or "commodities in the British dominions on this side of India, for the purpose "of remitting money to Europe, nor in any commercial transactions; and "that I will not derive, directly or indirectly, any emoluments or advantages "from my station, excepting such as the orders of Government do or may "authorize me to receive: So help me God."

Court to be held twice a week or oftener if necessary.
Judge to report whenever he is prevented holding a court as often as is herein required.

IV. The court to be held in a large room two days in every week, or oftener if necessary; and the Judge is to inform the Sudder Adawlut whenever, from indisposition or any other cause, he shall be prevented from holding the court, unless during the periods of authorized adjournment. No rule, order, proceeding, or decree is to be made, but on court days and in open court.

Seal of the court to remain in the custody of the Judge.

V. The Judge's Court to use a seal one inch and three-quarters in diameter, bearing an inscription to the following effect, in the Persian and Guzerat characters: "The seal of the Judge's Court of the auspicious city and "bunder or port of Surat, &c." and this seal is to remain in the custody of the Judge.

VI. All

VI. All natives, and other persons not British subjects, are amenable to the jurisdiction of the Judge's Court. Excepting as provided for in Section XVI. of this Regulation, respecting the Nawaub and his family, and in the fifteenth Section of the Act made in the thirty-seventh year of his present Majesty, chapter 42d, whereby all natives who are employed in the service of the Company, either in any judicial office or as principal native officer of any district in the collection of the revenues, or in any of the Company's commercial concerns, are amenable to the courts at Bombay, in case of complaints being therein preferred against them; which does not, however, prevent their suing or being sued in the court at Surat, in like manner with other natives; and saving also the firmaun privileges of foreign European nations, according to the approved admission thereof in practice during the time of the government of the Nawaubs: respecting which, should the Judge entertain any doubts, he is, as occasion may require, to report the circumstances of the case to the Governor in Council and wait his orders.

Court to have jurisdiction over all persons not British subjects.
Exceptions.

VII. The Judge's Court is empowered to take cognizance of all such suits and complaints respecting the succession of right to real or personal property, land rents, revenues, debts, accounts, contracts, partnerships, marriage, cast, claims to damages for injuries, and generally of all suits and complaints of a civil nature, in which the defendant may come within the description of persons mentioned in Section VI, provided the landed or other real property to which the suit or complaint may relate shall be situated, or, in all other cases, the cause of action shall have arisen, or the defendant, at the time when the suit may be commenced, shall reside as a fixed inhabitant within the limits of Surat, Randeir, &c., in and over which the jurisdiction of the Judge doth extend, as well as in respect to all suits respecting the rents and revenues due to the East-India Company from the said city, port, and towns, or their dependencies.

Of what suits the court is to have cognizance.

VIII. The Judge's Court is to have jurisdiction over all British subjects (excepting King's officers serving under the presidency of Bombay, and the covenanted civil servants of the Company and their military officers), so far as not to allow them to reside or take up their abode within his local jurisdiction, unless they execute a bond to render themselves amenable to the court, in all suits of a civil nature that may be instituted against them by natives or other persons described in Section VI, in which the amount claimed may not exceed five hundred Bombay rupees; nor shall any British subject, or other European, be permitted to hold or possess lands within the districts under the local jurisdiction of this court, or obtain grants for the same from Government, unless coupled with the express condition that such grantees, their heirs, executors, and assigns, shall, in whatever questions of a civil nature derive or arise out of such grant, submit themselves and be bound by the jurisdiction and judicial courts therein subsisting, or which may be hereafter established therein by the Government of the East-India Company, in the same manner, and to the same degree, as the native inhabitants of the same places, without seeking or having a right to resort, in any such instances, to the Court of the Recorder at Bombay, or to any other court that may hereafter be established in lieu thereof; unless, and after,

British subjects, with certain exceptions, not to be permitted to reside beyond the limits of the island of Bombay, unless they execute a bond, rendering themselves in a certain degree amenable to the courts of civil jurisdiction.

Further restriction as to Europeans having grants of lands.

after, this restriction shall be eventually removed by any act of the British Legislature, or order or instruction from the East-India Company.

Collectors of the Revenue and Customs, and all other persons locally employed in the Company's concerns, amenable to the court for acts done in their official capacity.

IX. Collectors of the Revenue and Customs, and their assistants and native officers, and all persons employed on the part of Government in the manufacture of salt, or in the provision of the investment, are declared amenable to the Judge's Court for any acts done in their official capacity, in opposition to any Regulation printed and published in the manner directed in Regulation I, 1799.

Individuals how to proceed, who may consider themselves aggrieved under the Regulations by any special order of Government.

X. If a native, or any other person not being a British subject, shall consider himself aggrieved under any Regulation printed and published in the manner directed in Regulation I, 1799, by an act done by any of the officers of Government described in Section IX, pursuant to a special order originating with the Governor in Council, the officer by whom the act may be done is not to be liable to be sued for it. In such cases Government is to be considered as the defendant, and the person deeming him or herself aggrieved is to present a petition to the Judge, stating wherein he or she considers themselves injured under the Regulations, and praying that the Governor in Council will order the court to try the points or matters contested agreeably to the Regulations. The Judge is to forward this petition immediately to the Governor in Council, who, provided he shall not think it proper to afford the redress that may be solicited by the petitioner, and the court shall be competent to try the cause, will direct the Judge to proceed to the trial of it. If the Governor in Council shall order the cause to be tried, the court is immediately to send a written notification of the order to the complainant, and the cause is to be considered as filed in the court from the date of the notification. The court is then to proceed to try the suit, under the same rules and regulations as are prescribed for the trial of suits between individuals. The officer by whom the act complained against may have been done is to carry on the suit, under the directions of the Governor in Council, and is to issue the necessary instructions to the Vakeel of Government in the court in which the suit may be instituted, or subsequently carried in appeal; or if the officer complained against be no longer in the country, or conveniently stationed for the proper defence of the suit, the Vakeel of Government is then to act in his stead. In the event of Government being cast in the Judge's Court, the officer intrusted with the management of the suit, or the Vakeel of Government, is to send a copy of the decree and proceedings of the court to the Governor in Council, with a letter stating any objections that he may have to offer to the decision. The Governor in Council will order an appeal from the decision that may be transmitted to him under this section, to be preferred, or not, as may appear to him advisable. The costs and damages that may be awarded against Government in suits instituted under this section are to be defrayed from the public treasury. All special rules respecting cases of the nature of those described in this section, are to be duly attended to by the plaintiff and the parties concerned in them.

Government to be considered as the defendant.

Complainant to present a petition to the Judge. What the petition is to contain.

Judge to transmit the petition to the Governor in Council.

How he is to proceed with the petition.

If he shall order the cause to be tried, the order to be notified to the party, and the cause to be considered as filed from the date of it.

Officer how to proceed, in the event of Government being cast.

Court how to proceed in the case of a suit being instituted,

XI. The Judge's Court is not to receive a suit previously instituted in another court in which it may be cognizable, but to dismiss the same, on proof,

proof, with costs to be paid by the parties suing; and if any person shall have commenced a suit in any other competent or established court of justice, and whilst that suit is depending, or after a decree may be passed on it, shall commence another suit in the Judge's Court for the same cause, or if any person shall commence a suit in the Judge's Court which shall appear to the Judge to be frivolous, vexatious, or groundless, he is not only to dismiss the suit with such costs as he may deem it equitable to award against the plaintiff, but is to fine him in such amount as he may think proper, upon a consideration of the nature of the case and the situation and circumstances in life of the offender, and commit him to close custody until he pays the fine.

although decided, or pending before any other competent tribunal, and penalty for the institution of frivolous, vexatious, or groundless suits.

XII. The Judge's Court is not to pass a decree in any suit concerning the succession or right of inheritance to land or house, or other real property, to which there are more claimants than one, who, by the law of the religion, or such as is otherwise declared applicable to the claimants, would be entitled to a portion of the property; excepting the property be, by the decree, adjudged to all the claimants in the proportions to which they may be respectively entitled.

Decrees for real property to specify the shares of all the claimants.

XIII. The Judge is prohibited hearing, trying, or determining the merits of any suit whatever, against any person or persons, if the cause of action shall have arisen twelve years before any suit shall have been commenced on account of it; unless the complainant can shew, by clear and positive proof, that he had demanded the money or matter in question, and that the defendant had admitted the truth of the demand, or promised to pay the money, or that he directly preferred his claim within that period, for the matter in dispute, to a court of competent jurisdiction, to try the demand, and assign satisfactory reason to the court why he did not proceed in the suit; or that, either from minority or other good and sufficient cause, he had been precluded from obtaining redress.

Date from which causes are to be actionable.

XIV. The Judge is prohibited decreeing the payment or satisfaction of any sum due on a mortgage bond entered into after the 1st of July 1800, unless such mortgage bond shall have been registered in his court at the time of passing it; of which rule public notice is to be issued throughout his jurisdiction.

Mortgages to be registered.

XV. The Judge's Court is prohibited entertaining any cause which, from the production of a former decree on the records of the court, shall appear to have been heard and determined by any former Judge, or person or persons having competent jurisdiction. If any doubt should arise respecting the competency of the former jurisdiction, the Judge is to report the circumstances to the Governor in Council and wait his instructions.

Previously adjudged causes not to be cognizable at this court.

Exception.

XVI. In complaints brought before the court of justice, in which it shall appear, either by the application of the Nabob or the representation of the defendant, at or before the time of giving in his or her answer, or by the petition of the complainant, that both parties are relations or servants of the Nabob, such parties shall, in the first instance, be referred for justice to the Nabob, or to any person he may appoint to dispense it. Any complaint

against the relations or immediate servants of the Nabob, by persons of a different description, shall in the first instance be made to the chief civil servant at Surat, who shall refer it to the Nabob, who has engaged to order an immediate investigation to be made, or in case the parties shall desire it, to order the dispute to be referred to a proper arbitration, the Nabob engaging to bring it to a direct issue, or to carry the sentence or award, if unfavourable to his relation or servant, into immediate execution.

Court prohibited from taking cognizance of any matters of a criminal nature.

Exception.

XVII. The Judge of the Court is, in that capacity, prohibited from interfering in any cause or matter of a criminal nature; except for contempts and perjuries committed in open court, as prescribed in Sections XIII. and XX, Regulation II, 1800.

Court prohibited from corresponding with parties in suits, or any persons, respecting matters therein cognizable.

XVIII. The Judge is prohibited from corresponding by letter with parties in suits, process, or matters depending before him or coming within his cognizance. If a party in a suit, or person amenable to the jurisdiction of the court, shall have any matter to represent to the court, he is either to appear in the court in person and represent the matter in writing, or make the representation in writing through an authorized Vakeel. The court is to pass whatever order upon the representation may appear to it proper, consistently with the Regulations, and to direct a copy of the order to be delivered to the person making the representation, or to his Vakeel, under the seal of the court and attested by the Register.

An appeal to be to the Sudder Adawlut.

XIX. An appeal is to be to the Governor in Council, in the separate department of Sudder Adawlut, from the decision of this court, in all suits, in the manner specified in Regulation VII, 1800, on matters where the cause of action shall amount to the sum of four thousand rupees; and the Judge of this court is invariably to state in every decree the grounds on which he may pass it.

Judge to act according to justice, equity, and good conscience, in cases for which no specific rules exist.

XX. In cases coming within the jurisdiction of this court, for which no specific rule exists, the Judge is to act according to justice, equity, and good conscience.

A. D. 1800. REGULATION II.

A REGULATION *for receiving, trying, and deciding suits in Complaints declared cognizable in the Civil Court of Justice of Surat and its Dependencies:* PASSED *by the Honourable the Governor of Bombay, on the 20th of May* 1800, *whilst at that Settlement in the full possession and exclusive exercise of the entire Powers of the Bombay Government, and thereafter confirmed by the Governor in Council, on the 1st of August* 1800 *(corresponding with the 11th Shravan Sood, Sumbut or Vekramajit Era,* 1857; *Salbahan,* 1722; *and 9th Rebya ul Avul,* 1215 *Hejry).*

I. THE following rules are enacted for receiving, trying, and deciding suits or complaints declared cognizable in the civil court of justice for Surat, &c.

II. No.

II. No complaint is to be received but from the plaintiff, nor any answer to a complaint but from the defendant, or their respective Vakeels, duly empowered. Nor is any person to be permitted to do any act, or to be heard, *vivâ voce*, in any stage of the cause, excepting the plaintiff or defendant, or their Vakeels or witnesses.

Only plaintiffs or defendants, or their Vakeels duly empowered, to be allowed to prefer or defend a suit. No other persons, excepting the witnesses of the parties, to be heard *vivâ voce* in a cause.

III. Every complaint that may be presented to the court is to state precisely the matter of complaint. If it be concerning land paying or exempt from revenue, it is to state the amount of the annual produce of the land, according to the most accurate estimate which the claimant may be able to procure. To obviate all doubt respecting what is meant by the annual produce of free or revenue lands, it is declared to be the aggregate of the value that may have been derived from the produce of the soil to the defendant, on account of the year in which the claim may be preferred, and that would accrue to the claimant were he to be put in possession of the lands during that year. If the complaint is for a house, garden, tank, or any real property, not being revenue or free land, or any valuable thing, or relating to marriage or cast, or for damages for any injury, it is to state, according to the nearest estimate, the exact sum of money, or the amount in which the plaintiff may be endamaged. The complaint is also to specify the name of the person complained against, the time when the cause of action arose, and is to be signed by the complainant, or his Vakeel duly authorized. The complaint is to be signed and numbered, and dated in the order in which it may be received, by the Judge of the court, and is to be registered in a book by a native officer of the court, whose particular duty it is to be made to copy and register complaints.

What a complaint preferred is to contain.

If it is for revenue or free land, the annual produce is to be specified.

What is meant by the annual produce.

If for any other property, or money, or damages, the amount or value, or the sum in which the party may be endamaged.

Complaint to specify the name of the defendant, and when it arose, and is to be signed by the party or his Vakeel.

Judge to sign, number, and date the complaint.

Complaint to be entered in a book by a native officer.

IV. That no doubt may be entertained what suits decided in the civil court are appealable, it is directed that if a suit shall be instituted, and the cause of action shall be stated by the plaintiff to be such as would make it appealable, or such as would not entitle either party to an appeal, the defendant, in the first case, if he shall be of opinion that the cause is not appealable, and in the second, if he shall think it appealable, is to insert his objections to the plaintiff's statement in his answer, and the Judge is to make such inquiries as he may deem necessary to ascertain whether the cause of action is such as would, or would not, render it appealable to the Sudder Adawlut, and to insert his decision on the objections of the defendant in the record of the trial, which the Court of Appeal, in the event of the cause being brought before them, are to confirm or set aside, as may appear to them proper. If the defendant shall not offer any objections, in either of the cases abovementioned, to the plaintiff's statement of the cause of action, it is to be held correct, so far as to determine eventually whether it is, or is not, appealable to the Sudder Adawlut or Court of Appeal, and any objections which either party may afterwards offer to the statement are not to be attended to: but if, agreeable to the statement, the cause of action shall be appealable, an appeal is to be allowed (all rules regarding appeals being duly observed), and if it be not appealable an appeal is not to be admitted.

Defendant to insert in his answer his objections to the plaintiff's statement of the cause of action, otherwise the statement is to be held correct, so far as to determine whether the cause is or is not appealable to the Governor in Council in the Sudder Adawlut.

V. Upon any person, either by himself or his Vakeel duly appointed, preferring a written complaint on any matter declared cognizable by the court, the Judge is to issue a summons upon the defendant, which is to contain

Court how to proceed upon a complaint cognizable by its being preferred to it.

To issue a summons.

Contents of the summons.

contain a short account of the nature of the demand, and to require the defendant either to accompany the officer who may be deputed to serve the summons, to appear in person before the court, or to deliver to him good and sufficient security to appear and answer to the complaint on the day appointed, either in person or by Vakeel. The person who may become security for the appearance of the defendant is further to bind himself to be responsible for the personal attendance of the defendant whenever it may be required by the court; and in the event of his not being able to produce him, either whilst the suit is depending or at any time before the final decree in the cause is executed, to be answerable for such sum as may be adjudged against the defendant. The summons is to be served on the defendant by the Nazir or his inferior officer, if he can be found; and in the event of his not giving the required security, the Nazir or officer is to take his person into custody, and bring him before the court. The Nazir is to return the summons on the day appointed, with an indorsement specifying in what manner he has executed it. If the defendant shall appear either in person or by Vakeel, the court is to fix a day, according to its discretion, for him to answer to the complaint, and, if it shall deem it reasonable so to do, may, at any time, allow the defendant a further period for delivering his answer: and if the defendant shall appear in person, and shall not have given the security above-mentioned for his appearance and attendance, the court is to require him to give it, and in the event of his refusing or omitting to comply with the requisition, he is to be committed to close custody, until he shall have given the security or performed the decree of the court. When the defendant has delivered in his answer to the complaint, the plaintiff is to reply to it on the next court day; but he is not to be permitted to introduce in his reply any matter whatever which may not be contained in his complaint, but is either to acknowledge the answer of the defendant to be true, or simply and shortly to deny the truth of such of the facts in the answer as he intends to dispute, or simply deny the truth of all the facts contained in it, or the competency of the answer. The defendant is to rejoin to the reply on the same day, but is not to be permitted to introduce in his rejoinder any matter not contained in his answer, but is simply to deny the truth of the reply of the plaintiff, or the parts of it which he means to dispute, and aver the truth or competency of his own answer, and no further pleadings whatever are to be admitted in the cause. But if, from mistake, inadvertence, or other cause, the plaintiff shall have omitted to insert in his complaint any thing material to the suit, the court, on the omission being represented either by the plaintiff or his Vakeel, is to allow the plaintiff to prefer a supplemental complaint, in which he is to state the matter omitted. The defendant is to be allowed to deliver an answer to the supplemental complaint on a day to be fixed for that purpose; and the plaintiff and defendant are to reply and rejoin in the same manner as in the original complaint, but no other. In like manner, if the defendant, from mistake, inadvertence, or other cause, shall have omitted to insert in his answer any thing material to his defence, the court, upon his representing the omission, either in person or by his Vakeel, is to permit the defendant to deliver in a supplemental answer. The plaintiff and defendant are to reply and rejoin in the same manner as on the original answer: but no more than one supplemental complaint

Nazir to return the summons on the fixed day, with an indorsement how it has been executed.

Upon the defendant appearing, court to fix a day for his answering, and to take security for his attendance.

Defendant to be committed to custody in the event of his not giving the required security.

Plaintiff to reply to the defendant's answer. What it is not to contain.

Defendant to rejoin to the plaintiff's reply.

What the rejoinder is, and what it is not to contain.

Cases in which the plaintiff is to be permitted to prefer a supplemental complaint.

Defendant to be allowed to deliver an answer to the supplemental complaint.

Plaintiff and defendant to be permitted to reply and rejoin.

Cases in which the defendant is to be allowed to deliver a supplemental answer.

Plaintiff and defendant to reply and rejoin.

Only one supplemental complaint or answer to be admitted.

complaint or one supplemental answer is to be received by the court. Whenever a defendant shall refuse or neglect to rejoin at the time appointed for that purpose, the Register is to enter a rejoinder for him, and the court is to proceed in the trial in the same manner as if the defendant himself had rejoined.

Register to rejoin, if the defendant does not rejoin by the appointed day.

VI. When the rejoinder has been filed, the court, either immediately or on a fixed day (eight days' notice of which is to be given to the parties), as soon after the pleadings are closed as the business of the court will permit, is to examine the truth of the complaint or claim by the oaths of the parties, if they mutually consent to that mode of examination, and of the witnesses who may be produced by them, if they have any witnesses to produce. To procure the attendance of witnesses, the court, on the requisition of the plaintiff or defendant, or their respective Vakeels, is to issue a summons to the witnesses whom the parties may name, provided they be not Hindoo or Mohammedan women, of a rank or quality which, according to the manners and customs of the country, would render it improper to compel them to appear in a court of justice; specifying at whose request the summons may have been issued, and requiring them to appear in the court on a day to be named in the summons, and there to depose concerning the matter in dispute between the parties. If a witness so summoned shall not attend on the day appointed, or attending, shall refuse to give evidence or to subscribe his deposition as hereafter required, the Judge, in the first case, if it shall be proved to his satisfaction, on oath, that the witness was material to the cause, is to issue an order to the Nazir, to seize and bring the witness before the court, and is to impose on such witness not having attended, or refusing to give evidence, a fine not exceeding five hundred rupees, and to commit him to close custody until he shall consent to give his evidence and sign his deposition. If a witness who may attend pursuant to a summons shall have incurred any expense in consequence of his being required to appear, the court is to award to him such sum for his charges as may appear to it reasonable, whether he be examined or not. If the sum so awarded shall not be paid immediately, or secured to the witness to the satisfaction of the court, the party at whose requisition the witness may be summoned is not only to lose the benefit of his testimony, but the court, after the decree in the cause shall be passed, is to confine such party until he shall discharge the sum awarded to the witness. The court is to administer to the parties consenting to be examined on oath, and to witnesses, such oaths as may be considered most binding on their consciences, according to their respective religious persuasions. But if a witness shall be of a rank or cast, which, according to the prejudices of the country, would render it improper to compel him to take an oath, the Judge of the court may dispense with his being sworn, provided he shall subscribe one of the undermentioned declarations, according as he may be of the Mohammedan or Hindoo persuasion.

When the court is to proceed to the examination of the merits of the suit.

How the attendance of witnesses of the parties is to be procured, provided they be not women of rank or cast herein mentioned.

What the summons is to contain.

How witnesses so summoned are to be dealt with, if they shall not appear, or if they shall appear and refuse to give evidence or subscribe their depositions.

Court empowered to award to witnesses appearing, pursuant to the summons, such sum for their expenses as may appear to it reasonable. Expense to be paid by the party summoning the witnesses. Consequences attending his not paying such expense as required, and the court how to enforce the payment.

What oaths are to be administered to parties or witnesses.

Cases in which the courts may dispense with the oaths of witnesses.

Declaration to be subscribed by a Hindoo Witness exempted from taking an Oath.

Declaration to be signed by a Hindoo witness exempted from taking an oath.

" I will faithfully answer, according to the truth, such questions as " may be put to me by the court in the cause now before the court. I " will not declare any thing not warranted by the truth: if I declare

" any thing not warranted by the truth I shall be deserving of punishment " from Ishwur."

Declaration to be signed by a Mohammedan Witness exempted from taking an Oath.

Declaration to be signed by a Mohammedan witness exempted from taking an oath.

" I sincerely promise and swear, in the presence of Almighty God, that " I will faithfully, and without partiality, answer, according to the truth, " any questions that may be put to me by the court, respecting the cause " now before the court."

After the witness has given his deposition he is to subscribe the following declaration :

" I swear, in the presence of Almighty God, that I have faithfully and " without partiality answered, according to the truth, the questions put to " me by the court respecting the cause now before the court."

Depositions of witnesses subscribing the above declaration to be received as good evidence.

Depositions of witnesses are to be reduced into writing, in the language and character which they may desire.

The depositions of the witnesses who may subscribe the above declarations are to be received as good evidence in the cause, in the same manner as if they had been sworn. The deposition of every witness who may appear in court is to be taken *vivâ voce* in open court, and if he be a native in the country language, and is to be reduced into writing in the country character best known to the witness, or if he be altogether ignorant of written characters, then in the country language and character in which the records of the court shall generally be kept. The deposition is to be subscribed by the witness with his name or mark. Every exhibit or written evidence (excepting exhibits that may be proved by such absent witnesses as are hereafter mentioned) is to be produced in open court at the trial; and if disputed, is to be duly proved by the examination of witnesses sworn as above directed, whose depositions are in the same manner to be reduced into writing and signed. Every exhibit is to be marked with some letter or number to identify it, and the letter or number is to be referred to in the deposition proving it. All exhibits proved by witnesses not present in the court are, in the same manner, to be marked and referred to in the depositions proving them, and are to be indorsed and minuted as having been read at the time they may have been read in the court. In the event of any witness being a Hindoo, or a Mohammedan, or a Parsee woman of a rank or quality which, according to the customs and manners of the country, would render it improper to compel her to appear in a court of justice, the court is authorized to commission three creditable women, who are to be sworn to execute the commission truly and faithfully, to administer either an oath or the prescribed declaration to persons of the rank, cast, or quality before-mentioned (according to the discretion of the Judge and the religion of the witnesses), and to examine the witnesses on written interrogatories to be delivered to them by both parties or their Vakeels, if both parties shall desire to examine the witnesses. In like manner, if any witness, whose deposition may be necessary to the determination of a cause, shall reside out of the jurisdiction of the court at Surat, at a greater distance than thirty coss, but within the British jurisdiction, either in Salsette, Malabar, or Bombay, the Judge is authorized, in the two former cases, by a letter signed by himself and sealed with the seal of the court, to request the Judge in whose jurisdiction the witness may reside,

Exhibits and written evidence to be produced in open court at the trial.

Such exhibits and evidence, if disputed, to be duly proved by witnesses, whose depositions are to be reduced to writing.

Exhibits how to be marked and referred to in the depositions proving them. Exhibits proved by witnesses not present in the court to be marked and referred to in the same manner, and the date on which they may be read in court to be indorsed on them.

Court may dispense with the personal appearance of Hindoo or Mohammedan women or Parsee, of a certain rank.

How evidence of such women is to be attained.

Manner in which the Judge is empowered to obtain the evidence of witnesses residing out of the jurisdiction of the court and at a greater distance from it than thirty coss.

reside, or, in the latter instance, the Superintendant of Police, either to administer to him an oath or cause him to sign the above-mentioned declaration, should he be of the description of persons whom the courts are empowered to exempt from taking an oath (according to the discretion of the Judge who shall grant the commission, and the religion of the witness), and to examine such witness on written interrogatories, to be transmitted to the Judge by both parties or their Vakeels, if both parties shall desire to examine the witness. The Judge or the Superintendant of Police to whom the letter may be directed is to examine the witness or witnesses named in the letter according to the requisition of it, and to return the deposition of each witness, duly subscribed by him, to the Judge of the court in which the cause may be depending; and every deposition so read is to be good evidence in the cause. But if the personal attendance of a party in a suit, or a witness (provided the party or witness be not a woman of a rank or quality which, according to the customs and manners of the country, would render it improper to compel her to appear before a court of justice) who may be resident at any distance whatever, beyond the limits of the jurisdiction of the court, shall be deemed by the Judge trying the cause to be indispensably necessary, he is to address the Judge of the court in the jurisdiction of which the person whose attendance is required may reside, or the Superintendant of Police if the witness be in Bombay, requesting him to order him to attend; and the Judge or Superintendant, so addressed, is directed to comply with the requisition, without further delay than may be necessary. If any exhibit or written evidence is offered to the court in a cause depending before it, and the Judge of the court shall think it just and proper to reject it, he is to indorse upon it the word "rejected," together with the name of the party who produced the document, the date on which it may be rejected, and his reasons for not admitting it (which may be written either upon the document rejected or on a paper to be annexed to it), and to subscribe his name to the indorsement, and return the document, with his reasons so written, to the person who produced it.

Personal attendance of parties or witnesses residing out of the jurisdiction of the court, and at a greater distance than thirty coss, how to be procured if necessary.

Judge how to proceed in the event of his rejecting exhibits or written evidence that may be offered.

VII. When the parties have been heard, and the witnesses on both sides examined, and the exhibits received and considered, the Judge is to give judgment according to justice and right, and is to order costs to be paid to the party in whose favour the decree may be made. The court is then to cause the decree to be executed, if it be for a landed or other estate, or real property, by causing possession of the property to be delivered to the person to whom it may be decreed: if it be for personal property, or a sum of money, by causing the specific thing to be delivered, or the value of it, or the sum of money decreed to be levied by the public sale, by auction, of a sufficient portion, or if requisite for the satisfaction of the decree, the whole of the lands, houses, and all other effects, either real or personal, belonging to the party against whom the judgment may have been given, or by the attachment of his person, or where it may be necessary, both by the sale of his effects and the attachment of his person.

When the court is to give judgment.

Decree of the court how to be executed.

VIII. If the defendant in a suit in the court shall be committed to close custody at the instance of the plaintiff, either whilst the suit is depending or after

Monthly allowance to be paid to defendants confined at the instance of plaintiffs.

after the decree shall have been passed, the Judge, at the time of the commitment of the defendant, is to make an order on the plaintiff for the payment of whatever monthly allowance he may think reasonable for the subsistence of the defendant, upon a consideration of his rank and situation in life, and the circumstances of the plaintiff. The allowance is not to exceed one hundred reas, nor be less than twenty-five reas per day; and is to be made payable to the Nazir, who is to give monthly receipts for it to the plaintiff, dated on the day on which the money may be paid. The first payment is to be made immediately on the confinement of the defendant, and every subsequent payment at the expiration of the next and following month, calculating from the day on which the defendant may be confined. If the plaintiff shall neglect or refuse to pay the prescribed allowance for the space of one month after any payment may become due, the Nazir is to report the omission or refusal in writing, under his signature, to the Judge. Upon the receipt of the report, the Judge is to cause it to be notified to the plaintiff, by a writing in the country language, to be fixed up in some conspicuous place in the court room, that if he shall not within one month after the date of the notice pay the sums in arrear, together with the allowance for one month in advance, the court will release the defendant; and if the plaintiff shall not make the payment required by the notice, the court is accordingly to discharge the defendant from custody. Plaintiffs are not to be required to pay any allowance to defendants who may be committed to custody for disobedience to an order of the court.

To whom and when the allowance is payable.

Nazir to report to the Judge in the event of the plaintiff omitting or refusing to pay the allowance for one month.

Judge how to proceed upon such report.

Plaintiffs not to pay an allowance to defendants confined for disobedience of the orders of the court.

IX. If a plaintiff shall at any time neglect to proceed in his suit for six weeks, the suit is to be dismissed, unless he can shew good and sufficient cause to the court for not having proceeded in it, and the court is to award to the defendant the whole or such part of the costs as he may have incurred in the suit, according as it may deem equitable. The Judge is to record on the proceedings his reasons, at large, for dismissing the suit of a plaintiff, or allowing him to prosecute it, after he shall have neglected to proceed in it for six weeks.

Suits of plaintiffs who neglect to proceed in them for six weeks to be dismissed, unless they can shew good cause for not having proceeded.

Judge to record upon the proceedings his reasons for the exercise of the powers vested in him by this section.

X. If a defendant against whom a summons may issue shall abscond, or is not, after diligent search, to be found, or shall shut himself up in his own or in any house or building, or retire to any place, so that the process cannot be served upon him, and the Nazir shall return that on such account he has not been able to serve or execute the process, the Judge is to cause a writing in the country language and character, to be stuck up in some conspicuous part of the room in which the court may be held. The writing is to contain a copy of the summons, and a notice that if the party shall not appear on a day to be fixed (which shall not be less than fifteen days from the time that the summons may be fixed up) the court will proceed without further notice to try and determine the cause without the appearance or answer of the defendant. The court is likewise to order a copy of the summons and notice to be fixed up, with all practicable dispatch, on the outer door of the house in which the defendant may have usually dwelt, or in some conspicuous place in the village or other place in which he may have generally resided. The Nazir is to return the order with an indorsement, stating at what times and places the summons and notice may have been fixed

Court how to proceed, in case a defendant cannot be found, or absconds, or acts so that the process of the court cannot be served upon him.

What the writing so fixed up is to contain.

Nazir to return how he has executed the process.

fixed up. The return of the Nazir is to be filed in court, and to form a part of the record of the trial. If the defendant shall not appear at the time limited in the notice, or if a defendant who may have been served with a summons shall not appear, or if, having appeared, he shall refuse to give answer or make other default, or admit the truth of the plaintiff's bill of complaint, the court, on examining the allegations of the plaintiff only and the depositions of his witnesses, is to decree and give judgment, in the same manner as if the defendant had appeared, answered, and entered into proof.

Nazir's return to be filed.

Cases in which the court is to give judgment on the allegations and evidence of the plaintiff only.

XI. If a defendant, for whose appearance security may have been taken, shall not appear, or having appeared, shall refuse to give answer, the plaintiff is permitted to institute a suit against the sureties on their engagement, and is to be intitled to recover from them whatever he may prove to be due to him from the defendant; or he may proceed against the defendant, in the same manner as defendants are directed to be proceeded against who have been served with a summons, and have not appeared or have refused to give answer.

Sureties for defendants not appearing, or refusing to give answer, liable to be prosecuted as principals.

Option given to the plaintiff to prosecute the security, or to proceed against the defendant as herein directed.

XII. Every process, rule, order, or decree of the court (with the exception contained in Section the VIth and in this section) is to be immediately served or executed, without application to any person, or the interference of any individual whomsoever, according to the requisition of it, within the limits of the special jurisdiction of the court. But in every case in which the defendant shall be a Hindoo, or Mohammedan, or Parsee woman, of a rank or quality which, according to the customs and usages of the country, would render it improper to compel her to appear in an open court of justice, the Judge is not to issue any compulsory process against her, to compel her to appear and make answer; but is to issue a summons requiring her to appear in person or by Vakeel, at a certain time to be named in the summons, and answer to the complaint, and abide by the orders which the court may think proper to pass in the cause. The summons is to be directed to the Nazir of the Court, and is to contain a short account of the nature of the demand or complaint, with a notice that if the defendant shall not appear, as required by the summons, at the time specified in it, or having so appeared shall not answer the complaint at the time which may be fixed by the court, or make any other default, the court will proceed to try and determine the cause, in the same manner as if the defendant had appeared, and answered, and done what she is authorized or required to do in defence of the suit. The summons is further to command the Nazir to deliver a copy of it to the Dewan, Purvoe, or some other principal servant of the defendant. The Nazir is not to have recourse to compulsion to enforce the summons, but is to serve it in the manner herein directed, and no other. The Nazir is to return the summons on the day appointed for the appearance of the defendant, with an indorsement specifying in what manner he has executed it; and if he has not executed it, the reason why it has not been executed. If the defendant should appear in person or by Vakeel, the court is to fix a certain day, according to its discretion, for her to answer to the complaint, and appoint a day for the parties to deliver in their pleadings, and the court is to try and determine the cause, in the same manner as suits instituted

Process of the court to be proved according to the requision of it, without application to any person, or the interference of any individual.

Exception to the rule made in favour of the defendants who may be women of the description herein specified.

How such women are to be summoned when defendants.

Summons to be directed to the Nazir, and what it is to contain.

The Nazir to serve the summons in the manner herein mentioned, and no other.

Nazir to return how he has served the summons.

Court how to proceed if the defendant should appear in conformity to the summons.

Court how to proceed, in case the principal servant of the defendant cannot be served with the summons, and the defendant shall not appear in person or by Vakeel.

against persons not being women of the above description. Upon the summons being issued, if the Dewan, Purvoe, or other principal servant of the defendant shall abscond, or otherwise act so that the summons cannot be served upon him, or shall not, after diligent search and inquiry, be found, the Judge, upon the return of the summons, and proof being made before him, on oath, of the fact, is to proceed against the defendant in the same manner as he is directed to proceed against a defendant who after diligent search cannot be found, or shall have absconded, or otherwise acted so that he could not be served with a summons. If a female defendant on whom no summons can be served, after the prescribed notice has been issued, shall not appear as required, or appearing shall neglect or refuse to answer, or make other default, or admit the truth of the complaint, the court, on examining the allegations of the plaintiff only and receiving the depositions of his witnesses, is to decree and give judgment in the same manner as if the defendant had appeared, answered, and entered into proof.

Witnesses guilty of wilful or corrupt perjury to be committed to take their trial before the court of session.

XIII. If a witness or any person shall be guilty of wilful and corrupt perjury in any cause or matter depending in the court, the Judge is immediately to commit the offender to close custody, to take his trial before the Court of Session.

The decisions of the court to be conformable to the Mohammedan law with regard to Mohammedans, and the Hindoo law with regard to Hindoos, in the cases herein specified.

XIV. In all suits of a civil nature that respect the succession to, and inheritance of landed and other property, mortgages, loans, bonds, securities, hire, wages, marriage, and cast, and every other claim to personal or real right and property, the cause is to be decided, as far as shall depend upon the point of law, by that of the defendant; the laws of the Koran with respect to Musselmans, and those of the Shaster with respect to Hindoos, being thus to be taken as the general rule for the Judge's guidance; and on all such occasions the Moulavies or Pundits shall severally attend to expound the laws of their religion respectively, as applicable to each case; and with respect to Portuguese and Parsee inhabitants, when they are defendants, the Judge is to be guided by a view to equity in his decisions, making all due allowance for their respective customs, as far as he can ascertain the same. But in all cases of succession to landed property, the Judge is, of whatever religion the parties may be, to endeavour to ascertain, also, whether they have been regulated by any general usage, or by any particular usage of the family of the defendant, and to consider in his decision the weight due to such evidence. Besides which, in all cases whatsoever, the Judge is to inquire and satisfy himself whether there be or be not an unwritten, yet ascertained law (called in Hindostan Raeje-al-moolk, or the "customary rule of the country"), and whether this rule be or be not usually applied to the decision of cases such as the one depending, whether relating to the claims of an Hindoo or Mussulman, Parsee, Portuguese, or other Christian; when if the affirmative be found clearly to be the case, and that such customary law appear at the same time duly consistent with the principles of equity, it is, after its particular application to the immediate subject of litigation, together with the above-required grounds of preferring it (if they be found to exist) shall have been recorded, to operate to the exclusion, so far, of the written and formal code of the Hindoo law and Mussulman books and treaties, as being more essentially and nearly the rules to which the natives have become habituated.

Rule as to Portuguese and Parsees, and general instructions respecting succession to landed property and other inheritances.

How far the Raje-al-moolk, or customary law of the country, may operate in all civil suits.

XV. The

Courts not to refer matters of fact to any person whomsoever, with a view to passing a decree.—Exception to the rule.

XV. The Judge of the Court is strictly enjoined not to order or allow of a report of any matter of fact relating to any cause depending before him, with a view to the passing of a decree, to be made to him by any officer of the court, or any other person; excepting in cases in which special authority for that purpose may be given to the court by any Regulation. This rule, however, is not to be construed to prevent a Judge referring any question arising on the Mohammedan or Hindoo law to the Cauzy or Pundit of the court, respect being had to the law in which each is conversant. When a reference of this nature is deemed necessary, a statement of the facts on which the question of the law may arise is to be made out in writing, and signed by the Judge of the court, and delivered to the Cauzy or Pundit for his opinion upon it. A blank is to be left for the answer of the law officer on the same paper on which the question is stated, or on a paper firmly annexed to it. The answer is to be attested with the signature of the law officer, and the dates on which the questions may be stated to him and the answer may be given are to be specified.

The rule not to prevent references to the law officers on points of law.

Reference to the law officers to be made in writing. What they are to contain.

Court may depute an Aumeen where local investigations may be necessary in disputes regarding real property. To what points the Aumeen is to be sworn.

XVI. In cases of disputed property regarding lands, houses, or their limits or boundaries, in which the court may deem a local investigation proper, the court is to appoint an Aumeen, who is to be sworn to make a true and faithful report to the court of the several matters which he may be directed to investigate, and not to receive, directly or indirectly, from either party, any gratuity, reward, or consideration, besides the sum which may be allowed to him by the court. The Aumeen is to be ordered to make his report in writing, subscribed with his name, and to deliver it into court on a certain day, which is to be specified in his commission. The report is to be received by the court as evidence in the cause, with regard to the matters which the Aumeen may be commissioned to investigate, and no other. The court may order such sum to be paid to the Aumeen as may be thought reasonable for his trouble; and the amount is to be added to the costs, and paid by the person against whom the decree may be passed; but the court is to be careful that expenses are not unnecessarily incurred by the Aumeen, by delay or other means.

Report to be made by the Aumeen, duly attested by him, on a certain day.

Court to order such sum to be paid to the Aumeen as it may judge adequate to his trouble.

By whom the sum awarded is to be paid.

Precaution to be observed by the courts in awarding such sums.

Plaintiff to pay, in the first instance, the expense of all process that may be issued in his behalf previous to the decision of the suit.

XVII. The plaintiff is to pay the charges of summoning the defendant and his own witnesses, and of all process attended with expense, which may be issued in his behalf previous to the decision of the suit.

Suits to be brought in for trial in the order in which they may be filed.

Exception to the rule.

A paper specifying the causes for the trial, of which a day has been fixed, is to be stuck up in some conspicuous part of the court-room seven days previous to the trial.

XVIII. The Judge is to order the causes depending in court to be brought in for trial according to the order in which they may be filed; except in cases in which it may be otherwise directed by any Regulation, or in which the Judge may think it proper, for special reasons, which he is to state at large upon the record of the trial, to bring on the cause before its turn. The Register is to enter in a book the causes for the trial of which a day may be appointed by the Judge, and on the day fixed call in the causes for trial, in the order in which they may have been entered. A paper, containing a list of the causes and the day appointed for the trial of them, is to be fixed up in some conspicuous part of the court-room seven days previous to the day of trial.

In what language and character the process of the court is to be written.

XIX. All orders and process of the court which may be directed to be served or executed on any person are to be written or printed in the country language

language and character, and are to be sealed with the seal of the court and signed by the Judge. When a summons or any process is issued against a defendant or a witness in a cause, or any other person who may not reside or be present at the place at which the court may sit, and for the serving or executing of which a Peon or Peons may be necessary, each Peon is to be paid by the party in whose behalf the summons or process may issue four annas per day for his subsistence (excepting where custom may have fixed the subsistence-money of Peons at a lower rate), and no more is to be paid. The name of each Peon deputed to serve the process, the amount of his subsistence-money, and the number of days for which he is to receive it, is to be endorsed on the writing. No greater number of Peons than two are to be deputed to serve or execute any process of the court, and one Peon only is to be sent, except in cases in which the Judge may think two Peons necessary.

Court to fine persons guilty of contempt, arrogations of judicial authority, or illegal exertions of it in their own causes.

XX. If any person shall be guilty of contempt of court in open court, or of undue arrogations of the authority of the court, or of illegal exertions of judicial authority in his own cause, the court is immediately to punish the offender, by fining him in a sum not exceeding two hundred rupees, and keeping him in custody until the fine is paid. The court is to regulate the amount of the fines imposed under this section, according to the situation and circumstances in life of the offenders.

Court how to proceed against persons resisting process.

Offender to be summoned to answer for his conduct.

Court how to proceed, if the offender shall not obey the summons.

XXI. If any person shall resist, or cause to be resisted, any process, rule, order, or decree, which may at any time issue from the court, on proof of the resistance being made, by oath, to its satisfaction, the court is to cause the offender to be summoned to answer to the charge. If the person for whom the summons may be issued shall abscond, or shut himself up in his own, or any house or building, or retire to any place so that he cannot be served with the summons, the court is to proceed against him in the manner directed with regard to other persons absconding, or otherwise acting, as above specified, so that they cannot be served with the process of the court. If the offender shall not appear within the prescribed period, or if he shall appear within the limited time, and after receiving his answer and hearing the evidence which he may have to produce in his defence, it shall be proved, to the satisfaction of the court, that he is guilty of the charge, the court is to adjudge the offender to pay such fine to Government as may appear to it proper, upon a consideration of his situation and circumstances in life, and the offence of which he may be convicted; which judgment is to lie open to the same rules that govern appeals in other cases, and the court is to proceed to levy the amount, by the same process by which it is empowered to carry its decrees for sums of money into execution.

What the decrees of the court are to contain.

To be sealed with the seal of the court and signed by the Judge, and dated on the day on which they may be passed. Judge or Register, within ten days, to tender in open court a copy of the de-

XXII. The Judge of the court is to insert in his decree the names of the witnesses whose depositions may have been taken, the title of every exhibit read in the cause, and the amount of the annual produce of the land, or the sum of money, or the value of the property or thing decreed. The decree is to be sealed with the seal of the court, and signed by the Judge, and dated on the day on which it may be passed. The Judge or Register, either at the time of making the decree or on a subsequent day (of which the court is to give notice to the parties or their Vakeels), within ten days after passing the

the decree, is to deliver or tender in open court to each party, or their Vakeels, a true copy of the decree, authenticated as above directed, with an endorsement made upon it by the Register of the date on which the copies may be delivered; and an entry of the delivery or tender, with the date on which it may be made, is to be inserted by the Register in the margin of the record opposite to the decree. If either of the parties or their Vakeels shall not be present at the time the decree may be passed, and the prescribed copy of it may be produced in the court to be delivered, or shall not attend on the subsequent day which may be fixed for the delivery of the copies, after previous notice of the day shall have been given to them, or shall refuse to take the copy of the decree when tendered as above directed, the copy is to be deposited amongst the records of the court, and the cause of the non-delivery of it to the party is to be noted upon it in writing, and in the margin of the record, opposite to the decree, under the official signature of the Register.

cree to the parties, on a day of which previous notice is to be given.

Register to endorse on the decree the date on which it may be delivered or tendered.

Court how to proceed in the event of parties or their Vakeels not being in attendance to receive a copy of the decree, or of their refusing to take it.

A. D. 1800. REGULATION III.

A REGULATION *for the Apprehension and Trial of Persons charged with Crimes or Misdemeanors, as far as regards Surat and its Dependencies:* PASSED *by the Honourable the Governor of Bombay on the 20th May* 1800, *whilst at that Settlement in the full Possession and exclusive Exercise of the entire Powers of the Bombay Government, and thereafter confirmed by the Governor in Council on the 1st August* 1800 *(corresponding with the 11th Shravan Sood, Sumbut or Vekramajit Era,* 1857; *Salbahan,* 1722; *and 9th Rebya ul avul,* 1215 *Hejry).*

I. THE administration of justice in the city of Surat and town of Randeir and their dependencies having been vested in the government of the English East-India Company, in the manner set forth in the preamble to Regulation I, 1800, the following rules are enacted for the criminal branch thereof.

II. The Judge of the civil court shall hold the office of Magistrate in and over the city and port of Surat and town of Randeir and their dependencies. Previous to entering upon the execution of the duties of his office, he shall take and subscribe the following oath before the Governor, or Governor in Council, or any person whom he may commission to administer it:

Judge of the civil court to be a Magistrate throughout the same local jurisdiction.

Oath of the Magistrate.

" I, A. B., appointed Magistrate of the city and port of Surat and town of
" Randeir and their dependencies, do solemnly swear, that I will, to the
" best of my ability, preserve the peace of those places over which my
" authority extends; that I will act with impartiality and integrity, and will
" not exact or receive, directly or indirectly, any fee, reward, or emolument
" whatsoever, in the execution of, or on account of any matter relating to
" the duties of my office, excepting such as the orders of the Governor in
" Council do or may expressly authorize; and that I will perform the duties
" of my office according to the best of my knowledge, abilities, and judg-
" ment, conformably to the Regulations that have been or may be passed
" by the Governor in Council: So help me God."

Magistrate to apprehend all robbers and other persons charged with crimes or misdemeanors.

III. It shall be the duty of the Magistrate to apprehend murderers, thieves, house-breakers or disturbers of the peace, and persons charged before him with crimes or midemeanors.

Magistrate to apprehend offenders upon complaints being preferred in writing and the prosecutor swearing to the charge.—What the warrant is to contain.

Prisoner to be examined, but not upon oath, and his deposition to be committed to writing.

IV. Upon a complaint being preferred to the Magistrate against any person for murder, robbery, or any crime or misdemeanor, the Magistrate, upon the party complaining making oath to the truth of the complaint, shall issue a warrant, under his seal and signature, for the apprehension of the person complained against, in which shall be specified the crime or misdemeanor with which he may have been charged. Upon the prisoner being brought before the Magistrate, he shall inquire into the circumstances of the charge, and examine the prisoner and the complainant, and also such other persons as are stated to have any knowledge of the crime or misdemeanor alleged against the prisoner, and commit their respective depositions to writing. The complainant and the witnesses shall be examined upon oath, but the prisoner shall not be required to swear to the truth of his deposition. After this inquiry, if it shall appear to the Magistrate that the crime or misdemeanor charged against the prisoner was never committed, or that there is no ground to suspect him to have been concerned in the committing of it, the Magistrate shall cause him to be forthwith discharged, recording his reasons for releasing him, and submitting them to the Court of Session with the calendar ordered to be prepared in Section XVI. If, on the contrary, it shall appear to the Magistrate that the crime or misdemeanor was actually committed, and that there are grounds for suspecting the prisoner to have been concerned in the perpetration of it, the Magistrate shall cause him to be committed to prison or held to bail (according as the offence may be bailable or not) to take his trial at the next session, and shall bind over the complainant to appear and carry on the prosecution, and the witnesses to attend and give their evidence. All bail-bonds for prisoners released upon bail, and the recognizances required to be taken from prosecutors and witnesses, shall be for a specific sum; the amount of which shall be determined by the Magistrate, upon a due consideration of the case, and the circumstances and situation in life of the parties, and shall contain a clause declaring the amount forfeited to Government in the event of the condition of it not being performed.

Prosecutor and his witnesses to the charge to be examined upon oath, and their depositions to be committed to writing.

Magistrate to discharge the prisoner, if after inquiry there shall not appear to him sufficient grounds for commitment, recording his reasons for so doing, and submitting them to the next Court of Session.

Magistrate to commit the prisoner, or hold him to bail to take his trial, if there shall appear to him sufficient grounds for so doing.

All bail-bonds and recognizances to be for specific sums, to be forfeited upon non-performance of the conditions.

Rule for determining the amount of such sum.

Points to be attended to by the Magistrate in his inquiries into charges preferred to him. To ascertain and record the date and the year in which the alleged crime was committed, and the time of the day or night. Prisoner's confession or confirmation of former confessions of their guilt to be attested by the number of the witnesses.

To have such witnesses in attendance at the next sessions.

To be careful that the confessions of prisoners, or their confirmation of former confessions, are free and voluntary.

Notwithstanding such

V. The Magistrate, upon receiving any charge, is to be careful to ascertain from the complainant, and to record upon his proceedings, on what day of the month, in what year, and at what time of the day or night, the act complained of was committed. And when a prisoner confesses before him the crime or misdemeanor with which he may have been accused, or confirms any former confession that he may have made of his having committed such crime or misdemeanor, the Magistrate is to be careful to have such confession or confirmation of a former confession witnessed by as many of his officers, or other creditable persons, who may be present at the time it may be made, to give it validity, and to cause such witnesses to be in attendance at the next sessions or assizes. But the Magistrate is strictly enjoined to satisfy himself that all confessions made by prisoners are free and voluntary; and, notwithstanding such confessions, he is invariably to summon, and bind over to the next session, the witnesses to the commission

of

of the crime or misdemeanor alleged against the prisoner, that they may be examined before the sessions, in the same manner as if the prisoner had denied the charge. The Magistrate is further required to take special care, that persons upon being apprehended are not made to suffer corporal punishment, or otherwise ill treated, under the pretence of compelling them to answer truly to questions that may be put to them, or under any pretext whatever.

confessions to bind over all witnesses to the alleged crime to appear at the next session.

To take special care that prisoners suffer no ill treatment after apprehension, to compel them to speak the truth, or for other purposes.

VI. Persons accused of murder, robbery, house-breaking, thefts, or counterfeiting of the coin, provided there shall appear sufficient grounds for committing them for trial, shall not be admitted to bail.

Crimes which are not bailable.

VII. The Magistrate is empowered to hear and determine all complaints or prosecutions brought before him for petty offences, such as abusive language, calumny, inconsiderable assaults or affrays, and to punish the offender, when convicted, by committing him to prison for a term not exceeding fifteen days, or by imposing a fine upon him; but the fine is in no case to exceed the sum of one hundred rupees, or in respect to any lesser mulct, one-twelfth part of the party's annual income, according to the Magistrate's own estimate or conception thereof, at the time of his imposing the fine.

Misdemeanors which the Magistrate is authorized to try, and the punishment which he is empowered to inflict for such offences.

VIII. The Magistrate is authorized to hear and determine all complaints or prosecutions brought before him for petty thefts, when they shall not have been attended with any aggravating circumstances, or committed by persons of notorious bad characters, and to inflict upon the offenders corporal punishment, not exceeding thirty rattans, or commit them to prison for a term not longer than one month, according as he may think proper, upon a consideration of the circumstances of the case.

Crimes which the Magistrate is also authorized to try, under the restrictions herein specified, and the punishment which he is empowered to inflict for such crimes.

IX. Where the complaints specified in Sections VII. and VIII. shall appear to the Magistrate to be litigious, vexatious, or groundless, he is authorized to punish the complainant by fine or imprisonment, under the limitations and restrictions prescribed for the punishment of the offences specified in Section VII.

Punishment to be inflicted on the complainants in the cases specified in Sections VII. and VIII, where complaints are proved to be litigious.

X. The Magistrate, upon receiving notice from the Judges of the Court of Session, or from their President, of the date on which their court is to be opened, shall cause public notice of it to be given by a written publication, requiring all persons discharged upon bail, and all prosecutors and witnesses who may have been bound over to appear, to attend by the date fixed for the sitting of the said court, under the penalty of forfeiting their recognizances in the event of their not attending. The Magistrate shall send a copy of this publication to the Cauzees of Surat and Randeir, and cause a copy of it to be fixed up in some public place in the principal parts of both the said city and town.

Notice that the Magistrate is to give of the time by which the Judges of Session expect to open their court.

XI. The Magistrate, previous to the opening of the Court of Session at his station, shall ascertain from the persons committed or held to bail to take their trial, the names and places of abode of any witness or witnesses they may wish to have examined in their defence, and shall issue the customary process to cause such witnesses to attend at the time fixed for the trial of the persons in whose behalf they may be summoned.

Magistrate to be careful to cause the witnesses, on the part of persons committed or held to bail to take their trial, to be in attendance by the time of the opening of the Court of Session.

XII. The

Form of the calendar of the prisoners committed or held to bail to take their trial, to be submitted by the Magistrate to the Judges of the Court of Session four days previous to the opening of their court.

XII. The Magistrate is to have in readiness to deliver to the Court of Session, four days previous to the opening of the Court, a calendar in the English, Persian, and Guzerattee languages, according to the following form.

Calendar of the Prisoners committed or held to Bail by the Magistrate of Surat, &c. to take their Trial before the Judges of the Session.

No.	Names of prisoners held to bail.	Abstract of the charges and date on which they were preferred.	Date of the apprehension of the offenders.	Names of the prosecutor's witnesses.	Abstract of the examination, grounds, and date of commitment for trial.	Names of prisoners held to bail.	Names of the witnesses on the part of the prisoners.
1	Fazil Beg, prosecutor, vrs. Khurshede.	For the murder of Jewun, the prosecutor's son, 15th June, 1800.	21st June, 1800.	Mohamed, Rama, Pedro.	Khurshede pleads not guilty. Committed for trial on 23d June 1800, on the grounds of the deposition of the witnesses.	Roychund.	Ahmed, Anund, Ard'shere.

Documents which are to accompany the calendar.

XIII. The calendar is to be accompanied with the Magistrate's proceedings on each charge, which shall contain the following vouchers, or as many of them as, from the nature and circumstances of the case, may be requisite and procurable, with such other papers and documents as the Magistrate may have in his possession, or judge necessary to be obtained for the information of the Judges of the Court of Session.

An attested copy of the complaint or charge.

An attested copy of the plaintiff's oath to the truth of the charge, in which is to be inserted, in cases of robbery and theft, the inventory of the money or property stolen or plundered, with the amount or computed value of it.

The prosecutor's recognizance to appear and prosecute to the charge.

A copy of the warrant prescribed in Section IV, for the apprehension of the offenders; or, in case the charge should have been preferred, in the first instance, to any subordinate officer of the Magistrate, a copy of his proceedings.

The name or names of the persons apprehended.

The examination of the person or persons apprehended.

The further examination of the prosecutor on oath, in cases where any such examination may have been taken.

A list of the witnesses summoned by the desire of the prosecutor, particularizing the names of such as may be in attendance, and those who are absent, with the cause of the non-attendance of the latter.

The recognizance of the prosecutor's witnesses.

The depositions of the witnesses who may have been in attendance.

The names of the witnesses who have been summoned at the requisition of the prisoner, specifying those who are in attendance and such as are absent, and the cause of the non-attendance of the latter.

Rules respecting examinations taken before the Magistrate.

XIV. *First.* All examinations taken before a Magistrate are to be written on separate papers, signed by the deponents, attested by the signature

ture of the Magistrate, and arranged according to their respective dates; and in the examination of witnesses, as well before the Magistrate as before the Court of Session, the following rules are to be strictly attended to.

Rules for the examination of parties and witnesses.

Second. All examinations of parties and witnesses are to be taken down in the language and character in which the person examined may desire to have the same recorded, and such person, whether party or witness, is to be allowed to read the same when finished; or if unable to read, it is to be read to him, after which, if he admit the record to be correct, he is to affix his name or mark to it, and the Judge, Magistrate, or other officer before whom such examinations may have been taken, is to certify the same, under his official signature, on the original record, as well as on the Persian translation thereof to be annexed to the original record, that the proceedings may be complete for the perusal of the law officers of the Court of Session, as well as those of the Governor in Council, in the event of the trial being referred to him.

Examination to be taken down in the language preferred by the party.

Party to read it, or have it read, and if approved to attest it.

Judge to certify it and to annex a translation.

Third. In the examination of witnesses, leading questions suggesting an answer, or having tendency to such suggestion, are to be carefully avoided, and the interrogatories to them are to be proposed in such general terms as may bring forth all the information they possess and lead to a discovery of the truth. With this view the parties are to be allowed to cross examine the witnesses, and the Judge or Magistrate should also cross examine them, when necessary, for the same purpose.

Leading questions to be avoided.

Party and Judge to cross examine.

Fourth. All examinations of parties and witnesses, besides the name of the person examined, are to specify the name of his or her father, and if a married woman, the name of her husband, also the religion, cast, profession, and age of the party or witness, and the place of their residence.

What the examinations are to specify.

Fifth. When any stolen property or instruments of violence, stated to have been found upon the prisoners or in their houses, are produced before the Magistrate or Court of Session, the prosecutor, and any witnesses brought to give evidence thereupon, are to be carefully examined relative to the identity of such property or instruments recognized by them, and the circumstances of the same having been found upon the prisoners or in their houses. The principle of this rule is to be further applied in all instances of circumstantial evidence to which it may be applicable.

In what manner examinations are to be made respecting stolen goods.

Rule to be applied to circumstantial evidence.

Sixth. With a view to impress upon the witnesses the necessity of caution and accuracy in delivering their evidence, it shall be the duty of the Mulla Koranee, or of the Brahmin, to repeat aloud to them, in the language which they best understand, the following admonition, immediately after they shall have been sworn respectively, *viz.*

Admonition to be read to witnesses.

" In delivering your evidence, under the oath now administered, you are
" required to declare the truth, the whole truth, and nothing but the truth.
" You are carefully to distinguish what you personally know as an eye-wit-
" ness, or otherwise, from what you may have heard from others, and are
" solemnly bound to answer all questions put to you on the trial before the
" court, without any regard to the prosecutor or prisoner, to the best of
" your information and belief."

Seventh. The Court of Session is to be careful to notice on their proceedings any material differences between the depositions of the same witnesses before them and the Magistrate, and are to question the witnesses thereupon, and record their answers; but the depositions taken before the

Court of Session to notice any variations in the depositions of the same witnesses.

Depositions taken before the Magistrate not to be read until

the witnesses shall have been re-examined.

Magistrate are not to be read before the Court of Session in the presence of the person who gave the same, until they shall have been re-examined before the Court of Session.

Depositions to be taken and written in the language in which the deponent is most conversant.

Country papers to be accompanied by a translate.

XV. All examinations and depositions are to be taken and written in the language in which the deponents are most conversant; and the Magistrate shall accompany all papers written in the country language with a translation, for the accuracy of which he is to be responsible.

Two further calendars to be submitted by the Magistrate to the Judges of the Court of Session.—First, Calendar of the prisoners discharged for want of sufficient evidence for committing them for trial, with his reasons for having released them.—Second, Calendar of persons apprehended by him for crimes or misdemeanors, on which he is empowered to decide.

What papers and proceedings are to accompany these calendars.

Court of session to report to the Governor in Council every instance in which the prisoners on the first calendar have been discharged, or the prisoners on the second released or punished upon insufficient grounds.

XVI. The Magistrate is to deliver to the President of the Court of Session, four days previous to the opening of their court, two separate calendars. The first, containing a list of all persons whom he may have apprehended, and discharged for want of sufficient evidence to warrant the committing them to prison, or holding them to bail to take their trial for the crime or misdemeanor charged against them, and accompanied with his reasons for having released them, as prescribed in Section IV. The second, comprizing a list of the persons whom he may have apprehended for crimes or misdemeanors cognizable by him, the crime or misdemeanor with which the prisoners may have been charged, and the sentence passed upon them. These calendars are to be accompanied with all the original papers and proceedings in each case; and if the Court of Session shall be of opinion that any of the persons mentioned in the first calendar have been discharged, or the persons specified in the second calendar released or punished upon insufficient grounds, they are to report the circumstances, with their opinion on the case, to the Governor in Council.

Magistrate to notify the commitment of proprietors of land, or officers employed in the collection of the revenue or customs, to the Collector or Custom-master.

XVII. If the Magistrate shall commit any landholder, or officer employed in the collection of the revenues or the customs, to be tried by the Court of Session, he is to notify the commitment to the Collector or Custom-master, that, if necessary, he or they may take measures to prevent any delay in the payment of the public revenue, or other inconvenience or prejudice to the public business.

How European British subjects, charged with crimes or offences committed out of the jurisdiction of the Bombay court of judicature are to be dealt with.

XVIII. In the event of any act committed by a European British subject, which may render him an object of a criminal prosecution in the Bombay court of judicature, to which court alone European British subjects are amenable, in such cases the Magistrate, upon information of the act being lodged before him upon oath, is to apprehend such British subject, and to make inquiry into the circumstances of the charge without delay. After such inquiry, if he shall be satisfied in his own mind that there are sufficient grounds for committing such British subject for trial, he is immediately to convey him under safe custody to the Superintendent of Police at Bombay, and to report the circumstances of the case for the information of the Governor in Council. He is likewise to bind over the complainant to repair to Bombay before the session next ensuing, to prosecute; and to take security from the witnesses for their appearance at the trial. In case of the inability of the prosecutor, or the witnesses, to defray the charge of the journey, the Magistrate is to state to the Governor in Council what pecuniary assistance he would recommend being granted them.

Security to be taken from the complainant and witnesses in the above cases to appear before the court at Bombay; and pecuniary assistance to be afforded to them if necessary.

Magistrate how often to visit the jail.—To redress all well-found-

XIX. The Magistrate is to visit the jail at least once in every month, and redress all well-founded complaints of ill treatment which may be preferred

to

to him by the prisoners against the jailer, or any officers having charge of them. He is to be particularly attentive to the health and cleanliness of the prisoners, and to see that the surgeon of the station attends and administers to the sick.

ed complaints of the prisoners against the officers who have the charge of the jail.—To attend particularly to the health and cleanliness of the prisoners.

XX. Separate apartments in the jail are to be allotted for the following descriptions of prisoners:

Description of prisoners ordered to be confined in separate apartments.

Prisoners under sentence of death.

Prisoners sentenced to confinement by the Judges of the Court of Session.

Prisoners committed to take their trial before the Judges of the Court of Session.

Prisoners sentenced to confinement by the Magistrate for petty crimes or misdemeanors cognizable by him.

And as the crimes proved or alleged against the second or third description of prisoners must be of different degrees of atrocity, the Magistrate is required to separate those who have been found guilty or accused of heinous crimes, from such as have been convicted of, or charged with crimes of less magnitude. They are likewise to separate the male from the female prisoners, so as to prevent their having any communication with each other; and the rules prescribed in this section for keeping apart the several descriptions of the former are to be considered applicable also to the latter. The Magistrate is further enjoined to endeavour to prevent drunkenness, gaming, and other immoralities being practised in the jail.

Further descriptions of prisoners to be confined in separate apartments.

Females to be kept separate from male prisoners in all cases.

XXI. When the sentence of the Judges of the Court of Session directs a pecuniary compensation to be made to the party injured, the Magistrate, in his capacity of civil Judge, is to cause the sentence to be carried into execution, according to the rules, and by the process prescribed for enforcing his decisions.

Pecuniary compensations ordered by the Judges of Session to be levied by the Magistrate, in his capacity of Civil Judge, by the process prescribed for enforcing decrees in civil suits.

XXII. All complaints or charges, with the orders upon them, are to be recorded in the office of the Magistrate in the English and country languages.

Charges, and the orders passed upon them by the Magistrate, to be recorded in the English and country languages.

XXIII. The Magistrate is to give a reward of ten Bombay or Surat rupees for every robber that may be apprehended and delivered into his custody, to be paid upon the conviction of the offender.

A reward of ten rupees to be paid for every robber apprehended and convicted.

XXIV. The Magistrate is to pay to all persons who may be released from jail after an imprisonment of six months or upwards, calculating from the date of their sentence, and who shall appear to be in actual need of such assistance, a sum sufficient to maintain them for one month. The sum to be paid to each individual is to be regulated by his situation in life; but it is in no case to exceed five rupees, and in every instance is to be confined as much within that amount as may be consistent with the purpose for which the allowance is granted.

Magistrate to pay to persons released, after a confinement of six months or upwards, a sum sufficient for a month's subsistence if they stand in need of it, but in no case to exceed five rupees.

XXV. The Magistrate is to pay to all prosecutors and witnesses, who may appear to be actually in need of such assistance, a daily allowance of two annas each, during their attendance on the Judges of the Court of Session; and the same allowance for as many days as, in his opinion, may be

Magistrates to pay to prosecutors and witnesses two annas per day each, if they stand in need of it, during their attendance on the Court of Session, and for as many days

as may be necessary for them to come from, and return to their respective homes.

be sufficient for such prosecutors and witnesses to come from and return to their respective homes.

Magistrate to pay the customary diet-money to prisoners, from the time of their apprehension to the date of their discharge.

XXVI. The Magistrate is to pay the customary daily subsistence-money to all prisoners from the time of their apprehension to the date of their discharge.

Magistrate to transmit the following monthly report, so as to arrive in Bombay by the tenth of the ensuing month.

XXVII. The Magistrate is to transmit to the Governor in Council the under-mentioned monthly report, drawn out according to the English months, and in the following form.

The report for each month is to be dispatched from his station, so as to arrive at Bombay by the tenth of the ensuing month.

Report of Persons apprehended in Surat and Randeir, &c. in the Month of .....

No.	Name.	Abstract of the Crime or Charge.	Date of Apprehension.	Punished, and in what Manner.	Released, or if allowed a Fine.	Committed, and the date of Commitment.	When to be tried.
1	Nooredden.	For assaulting and beating Ghureel.	1st June 1800.	15 Rattans.			
2	Panchcoury.	For assaulting Meer Ulla.	2d June 1800.	.....	Allowed ten rupees, the complaint being groundless.		
3	Hussen.	For the murder of Rutten.	3d July 1800.	.....	.....	Committed 4th of July 1800.	

ABSTRACT:—Punished 1
Released 1
Committed 1
Total 3

Prisoners apprehended and not examined, to be inserted in the above report in an additional column, under the head of "not examined."

Magistrate to endeavour to prevent the occurrence of the case herein provided against.

XXVIII. As it may sometimes happen that, just before the close of the month, a greater number of persons charged with crimes may be brought before the Magistrate than he is able to examine and proceed with as prescribed, previous to the expiration of it, the Magistrate (the occurrence of which, however, it is expected he will use his utmost exertions to prevent) is to insert the names of all persons in that predicament, in the above report of persons apprehended, in an additional column, under the head of "not "examined."

Magistrate to transmit the under-mentioned monthly reports so as to arrive in Bombay by the tenth of the ensuing month.

XXIX. The Magistrate is to transmit to the Governor in Council the under-mentioned monthly reports, drawn out according to the English months, and in the following forms, as often as there shall be subject for either or all of them. The reports for each month are to be dispatched from the station so as to arrive at Bombay on the tenth of the ensuing month.

Report

Report of Casualties, and of Prisoners released, in the Town of Surat, &c. in the Month of .....

No.	Name.	Crime.	Removal, and to what place, and when.	Natural Death, and when.	Escaped, and when.	Released, and when.
1	Mahomed.	Murder.	.....	10th June 1800.		
2	Mausoom.	Theft.	.....	.....	20th July 1800.	
3	Sukoor.	House-breaking.	To ——, 10th June 1801.			
4	Jeetoo.	Assault.	.....	.....	.....	4th June 1801.

Report of Prisoners on whom Sentence has been passed by the Court of Session for the Town of Surat, &c. in the Month of ....., without Reference to the Governor in Council.

No.	Name.	Date of Commitment.	Crime.	Date of the Trial.	Sentence.	Sentence when passed.	When enforced.
1	Mahomed.	1st June 1800.	Theft.	1st Sept. 1800.	10 Rattans.	2d Sept. 1800.	3d Sept. 1800.
2	Harroo.	3d June 1800.	House-breaking.	2d Sept. 1800.	Imprisonment for one year.	3d Sept. 1800.	4th Sept. 1800.
3	Bukshoo.	3d June 1800.	Beating Mugsa.	3d Sept. 1800.	To pay the prosecutor 15 Rs. and to be released.	4th Sept. 1800.	5th Sept. 1800.
4	Amanallah.	4th June 1800.	Theft.	4th Sept. 1800.	To be released.	5th Sept. 1800.	6th Sept. 1800.

ABSTRACT :—Punished with stripes 1
Imprisoned 1
Fined 1
Released 1
Total 4

Report of Prisoners tried, and whose Causes have been referred to the Governor in Council in the present and former Months, and on whom the Sentence of the Court has not been received.

No.	Name.	Date of Commitment.	Crime.	Date of the Trial.	When referred.
1	Dulal.	1st June 1800.	Murder.	1st Sept. 1800.	2d Sept. 1800.
2	Sheeboo.	2d June 1800.	Robbery.	2d Dec. 1800.	3d Dec. 1800.

ABSTRACT :—Referred in former months 1
Referred in the present month 1
Total 2

Report of the Sentences of the Governor in Council, received in the present Month, upon References made in the current and former Months.

No.	Name.	Date of Commitment.	Crime.	Date of the Reference.	Sentence.	Sentence when passed.	When enforced.
1	Mahomed.	1st June 1800.	Murder.	2d Sept. 1800.	Death.	15th Sept. 1800.	26th Sept. 1800.
2	Dulal.	2d June 1800.	House-breaking.	3d Dec. 1800.	Imprisonment for life.	16th Dec. 1800.	27th Dec. 1800.
3	Namdar.	3d June 1800.	Burglary.	4th Dec. 1800.	Imprisonment for ten years.	17th Dec. 1800.	28th Dec. 1800.
4	Sookoor.	4th June 1800.	Manslaughter.	5th Dec. 1800.	Banishment.	18th Dec. 1800.	29th Dec. 1800.
5	Maussoom.	5th June 1800.	Robbery.	6th Dec. 1800.	39 stripes with the korah.	19th Dec. 1800.	30th Dec. 1800.
6	Joudee.	6th June 1800.	Theft.	7th Dec. 1800.	To be released.	20th Dec. 1800.	31st Dec. 1800.

ABSTRACT:—Death 1
Imprisonment for life 1
Temporary Imprisonment 1
Stripes 1
Banishment 1
Released 1
Total 6

Report of the Prisoners under the Charge of the Magistrate to be tried.

No.	Name.	Crime.	Date of Commitment.	Trial commenced, and when.	Trial not commenced.	At large upon Bail.	In Jail.
1	Mahomed.	Theft.	1st June 1800.	3d September 1800.	.....	.....	In Jail.
2	Sukoor.	House-breaking.	2d June 1800.	.....	Not commenced.	At large upon bail.	

ABSTRACT:—In confinement 1
At large upon bail 1
Total 2

XXX. The following report of prisoners confined under sentence is to be transmitted to the Governor in Council twice each year, viz. on the 1st May and the first of December.

No.	Name.	Imprisonment for life.	Temporary Imprisonment.	Date of Commitment.	Sentence when passed.
1	Mahomed.	For life.	.....	1st Dec. 1800.	1st Feb. 1801.
2	Maussoom.	.....	6 Months.	2d Dec. 1800.	1st Feb. 1801.

XXXI. For

Court for the trial of crimes and misdemeanors.

XXXI. For the trial of persons charged with crimes and misdemeanors there shall be a court, to be denominated "the Court of Session for the city "and port of Surat, and the town of Randeir and their dependencies."

Judges of the Court of Session.

XXXII. The Judges of the Court of Session are to consist of the senior Civil Servant at Surat, who shall at the time be able, from the state of his health or other necessary cause, to proceed on this duty, together with two Civil Servants chosen and appointed for each successive quarterly session by the Governor in Council, to act as the Assessors of the senior Judge or President of the court; provided that, in the event of the inability, from indisposition or other cause, of either of the said three Judges to act as a member of the Court of Session for the time being, the deficiency in the complement of the court be supplied by the next senior Civil Servant then at Surat being called up to act as a member for that special session.

Oath to be taken by the Judges of Session.

XXXIII. The Judges of the Court of Session, previous to entering upon the execution of the duties of their office, are to take and subscribe the following oath, as their first act when assembled; the President first taking the oath for himself, and then administering the same to the two other members.

"I, A. B., solemnly swear, that I will truly and faithfully execute the "duties of a Judge of the Court of Session for the city and port of Surat "and town of Randeir and their dependencies; that I will administer "justice according to the Regulations that have been or may be enacted by "the Governor in Council, to the best of my ability, knowledge, and judg-"ment, without fear, favour, promise, or hope of reward: So help me God."

Register and Assistant to the Court of Session.

XXXIV. The Register and Assistant to the Court of Session shall be the Assistant to the Collector and Custom-master for the time being. Previous to entering upon the execution of the duties of their office, they shall take and subscribe the following oath before the Court of Session:

Oath to be taken and subscribed by them.

"I, A. B., Register (or Assistant to the Register) to the Court of "Session for the city and port of Surat and town of Randeir and their "dependencies, solemnly swear, that I will truly and faithfully perform "the duties of Register (or Assistant to the Register) to this court, accord-"ing to the best of my knowledge and ability; and that I will not receive, "directly or indirectly, any present or nuzzer, either in money or in effects "of any kind, from any party in any suit or prosecution, to be instituted, "or which may be depending or have been decided in the Court of Session, "of which I am Register (or to the Register of which I am Assistant); nor "will I, directly or indirectly, derive any advantage or emolument whatever "from my office, excepting such as the orders of the Governor in Council "do or may authorize: So help me God."

Four general jail deliveries to be made annually (if any occasion for so many).—Judges to hold a session for that purpose on the 1st of September, the 1st of December, the 1st of March, and the 1st of June, at the residence of the Magistrate, if there shall so often be any prisoners to be

XXXV. There shall be four general jail deliveries annually; for which purpose the Judges shall hold a session the 1st of September, the 1st of December, the 1st of March, and the 1st of June, in the said city of Surat; and unless it be found indispensably necessary, from the non-attendance of any material evidence or other sufficient cause, to postpone any trial until a future session, shall continue their sittings until all persons committed or held

tried.—Judges to continue their sittings until all the prisoners whose trials can be completed are tried, and sentence upon them is passed, or their cases are referred to the Governor in Council.

held to bail for trial by the Magistrate shall have been tried, and (in matters on which sentence is directed to be passed by the Judges) sentence shall have been passed upon them; or (in cases in which the Judges are not authorized to pass sentence) the trial shall have been referred to the Governor in Council.

Manner in which the trial of the prisoners is to be conducted.

XXXVI. The proceedings on the trial of prisoners are to be conducted in the following manner. The charge against the prisoner, his confession (which is always to be received with circumspection and tenderness) if he plead guilty, or if he plead not guilty, the evidence on the part of the prosecutor, the prisoner's defence, and any evidence which he may have to adduce, being all heard before him, the Judges are to determine as to the matter of fact. In the event of their deeming the charge not proved, they are immediately to pronounce the party acquitted and to discharge him from the bar: but where, on the contrary, they consider any degree of guilt as proved on the party, they are to proceed to judgment, if the prisoner be a Christian or Parsee, on the principles of the English law; but if the party tried be a Mohammedan or Hindoo, the Judges are to draw up a summary of the case, which is to conclude by a question thereon to be stated to the native expositors of the law of the religious persuasion of the parties respectively as to what punishment is thereby assigned to such offence; on the ascertainment of which the Judges of Session are, on the spot, to pronounce judgment on the party accordingly, except in cases in which they are expressly directed not to pass sentence, and to proceed to issue their warrant for the execution of it without further reference or delay: provided, however, that, in all cases where a prisoner may be condemned by such sentence to suffer death or imprisonment for life, the Judges shall transmit a copy of the sentence, and of all the papers and proceedings read and recorded during the trial, with translates in English, to the Governor in Council, and shall not execute such sentence, but shall wait his final judgment.

Persons allowed to prosecute by Vakeel.—This rule not to prevent the Court requiring, if necessary, the personal attendance of prosecutors, not being women of such rank and situation in life as would render it improper to compel them to appear in a court of justice.

How the evidence of prosecutors or witnesses of the above description is to be taken.

XXXVII. The prosecutor is to be allowed the option of carrying on the prosecution in person, or by a Vakeel duly appointed. This rule, however, is not meant to prohibit the Judges' causing prosecutors to attend in person, in every case in which their *vivâ voce* evidence shall be deemed necessary, provided they be not Mohammedan, or Hindoo, or Parsee women, of a rank and situation in life which, according to the custom and prejudices of the country, would render it improper to compel them to appear in a court of justice. If prosecutors or witnesses on a trial shall be women of this description, and their evidence shall be deemed necessary, and the case shall be of such a nature as to admit of its being taken by commission, the Judges shall not require the attendance of such women, but shall depute persons to take their evidence, in such manner as may be most conducive to certainty and consistent with the manners of the country.

How the court is to proceed in case the depositions of any witnesses cannot be obtained.

XXXVIII. If the attendance of any witness on the part of the prosecutor or prisoner, whose evidence the law may not allow to be taken by commission, cannot be procured, or if any witness cannot be found, the Judges may postpone the trial until the next session, provided there shall appear to them sufficient cause for so doing. If the attendance of such witness cannot then be procured, or if he shall not have been found, the Judges may, in like

like manner, postpone the trial a second time: but if the Judges and their law officers shall be of opinion that the evidence of any witness or witnesses who may be absent is not necessary, they shall complete the trial without the evidence of such witness or witnesses.

In cases of murder, the law officers to deliver their futwahs according to Yusuf and Mohammed.

XXXIX. On trials for murder, the law officers shall, where the parties tried are Mohammedans, deliver their *futwah*, or law opinion upon the case, according to the doctrine of Yusuf and Mohammed; respecting which and the law of the Hindoos, likewise, the Judges may refer to the translation of the Hedaya by Hamilton, and of the Hindoo laws by Halhed and Sir William Jones; as likewise to the tract entitled "Observations," now constituting part of the criminal code for the province of Malabar and Salsette, &c. for the purpose of assisting them in appreciating the accuracy and applicability of the expositions of the Cauzy, Mufty, Mulavy, or Pundit on the trials that shall come before them, and being also guided by the rules in the latter, as far as regards the doing away all operation of the will of Mohammedan heirs in cases of homicide, and availing themselves of the distinctions drawn, and rules laid down from the seventy-ninth section of the said series of "Observations," for apportioning their sentence on criminals of either the Hindoo or Mohammedan persuasions, to the respective degrees of their guilt.

No criminal to suffer mutilation.

Punishment to be inflicted in lieu of it.

XL. No criminal shall suffer the punishment of mutilation. If a prisoner shall be sentenced, in conformity to the exposition of the law officers, to lose two limbs, instead of being made to undergo such punishment he shall be imprisoned and kept to hard labour for fourteen years; and if any prisoner shall be so sentenced to lose one limb, he shall, in lieu of such punishment, be imprisoned and kept to hard labour for seven years. The Judges are accordingly directed, whenever any criminal shall be sentenced to suffer mutilation, to commute such punishment for imprisonment and hard labour for the term above prescribed, and to issue their warrant to the Magistrate for that purpose.

Rule in respect to sentences for *deyat* or the price of blood.

XLI. In the event of the answer of the law officer ascertaining, in the case of Mohammedan culprits, the penalty of the law to be *deyat*, or the price of blood, the Court of Session is to commute the fine to imprisonment for such period as it may consider adequate to the offence.

How the court is to proceed, if disapproving of the legal exposition of the law officers, and authority of the Governor in Council thereon.

XLII. Whenever the Judges shall disapprove of the exposition of the law, they are not to pass sentence on such cases, but shall complete the trial and transmit to the Governor in Council a copy of all the proceedings, and the legal exposition of the law officers, with a separate letter stating the grounds of their disapproval, and leave the case to his judgment, which may be either in concurrence with the exposition of the law or in mitigation, but not in enhancement of the requisition thereof, and such judgment is to be valid and final. In like manner, when the court may feel at a loss on the proper application of the English law in the instances of the trials of Christians or Parsees, they may make a report of the case and submit their sentences and doubts to the Governor in Council, and leave the sentence to his ultimate judgment.

Religious persuasions of witnesses not to invalidate their testimony.

XLIII. The religious persuasions of witnessess shall not be considered as a bar to the conviction or condemnation of a prisoner, in cases in which the

How the courts are to proceed where the law declares witnesses incompetent, because they are not Mohammedans.

evidence given on a trial would be deemed incompetent by the Mohammedan law, solely on the ground of the persons giving such evidence not professing the Mohammedan religion.

Court to transmit all trials in capital cases, with translates, to the Governor in Council, as early as possible, but always within ten days.

XLIV. The Court of Session is to transmit to the Governor in Council, copies, and translates in English, of the proceedings on the trial of all prisoners whom they may sentence to suffer death, or who may, in their opinion, be deserving of capital punishment, within ten days after the trial is completed, or as much earlier as, from the state of business, may be practicable.

Punishment to be inflicted on persons guilty of contempt of court in open court.

XLV. The Court of Session is empowered to direct the Magistrate to cause any person or persons who may be guilty of contempt of court in open court, to suffer corporal punishment, with a rattan, not exceeding fifteen strokes, or imprisonment for any term not longer than fifteen days.

Incapacity or misconduct in public duty, or profligacy in private behaviour in the law officers, to be reported to the Governor in Council.

XLVI. The Court of Session is to report to the Governor in Council every instance in which it shall appear to them that the native law officers have shewn incapacity for their offices, or have been guilty of misconduct in the performance of their duty, or of any acts of profligacy in their private conduct.

Judges to visit the jails, and to issue orders for the better treatment and accommodation of the prisoners.

XLVII. The Judges are to visit the jails on the occasion of each session, and to issue to the Magistrate such orders as may appear to them advisable for the better treatment and accommodation of the prisoners.

Neglect or misconduct of the Magistrate to be reported by the court to the Governor in Council.

XLVIII. The Court of Session is to report to the Governor in Council every instance in which it shall appear to them that the Magistrate has been guilty of neglect or misconduct in the discharge of his duty, and also whenever the Magistrate omits or refuses to obey their orders.

The opinion of the majority of the Court of Session to decide on all questions.

XLIX. If a difference of opinion shall arise on any question, and the three Judges shall be present in court, the opinion of the majority shall be adopted. Judges are required, in such cases, to record the grounds of their respective opinions upon the proceedings.

Court to suggest such propositions as may appear to them expedient for the better regulation of trials, or the administration of justice or the police.

L. The Judges are to submit to the Governor in Council such rules as may appear to them calculated for the better regulation of the trials of prisoners, the administration of justice, or the police of the country.

Court to have cognizance of all matters relating to the administration of criminal justice and the police.

LI. The court is empowered and directed to take cognizance of all matters relating to the administration of justice in criminal cases, and the police of the city and its dependencies, and to submit to the Governor in Council such regulations regarding them as it may deem advisable.

Jurisdiction of the Governor in Council in matters referred to him under Sections XXXVI and XLII.

LII. The Governor in Council shall have jurisdiction and authority to decide on all matters referred to him from the Court of Session under Sections XXXVI and XLII; wherein, after considering the proceedings, he is either to require further evidence, if he see occasion, or to pass such final sentence as may appear consonant to justice and conformable to the law of the religion of the party or parties tried, or to the custom of the country, without being bound by the former in cases of Mohammedan culprits, where the law of that religion may declare the prisoner not liable to capital punishment, from the heirs of the slain not being legally entitled to demand

kissas

kissas or retaliation, or by its failure from the parties standing in the relation of parent and child, or master and slave, or otherwise; in which cases the final sentence is to be pronounced, as if the parties had not stood to each other in these relations.

Governor in Council to pardon or commute the punishment of criminals sentenced to suffer death, who may appear deserving of mercy.

LIII. If any criminal who may be sentenced to suffer death shall appear to the Governor in Council to be a proper object for mercy, a pardon may, in this last resort, be granted to him or to her, or such commutation of the punishment may take place as may seem proper.

The Secretary to the Government to transmit to the Judge an official copy of the final sentence, within three days after its being passed, which is to be executed without delay and reported to the Secretary to Government.

LIV. The Secretary to the Government, acting as Register to the tribunal of the Governor in Council in this last resort, shall, within three days after the passing of the final sentence, transmit a copy of it, under his official signature, to the Magistrate, with direction to cause it to be carried into execution. The Magistrate, upon the receipt of this warrant, shall cause the sentence to be executed without delay, and immediately thereon certify to the Secretary to Government the manner in which the sentence has been executed.

The Governor in Council authorized to commute sentences of imprisonment for life or seven years and upwards to transportation.

Proclamation to this purport to be published at every jail delivery.

LV. The Governor in Council is authorized to order any prisoner sentenced to imprisonment for life, or for a limited period, the same being for seven years or upwards, to be transported to some place beyond sea; and the Magistrate is, at every jail delivery, to cause a proclamation to be read and affixed in his cutcherry, notifying that all persons who may be sentenced to be confined for life, or for a term of seven years and upwards, for murder, robbing, or plundering, or burning houses or property, or any other crime of a heinous nature, will be liable to transportation to some place beyond sea, by order of the Governor in Council, to whom a reference is to be made by the Magistrate, in all instances wherein he shall consider the parties convicted to be proper objects for transportation under the sentences passed against them for imprisonment.

A. D. 1800. REGULATION IV.

A Regulation *for the Appointment of the Ministerial Officers of the Civil and Criminal Courts of Judicature, and prescribing their respective Duties:* Passed, *as far as regards Surat and its Dependencies, by the Honourable the Governor of Bombay, under date the 20th of May* 1800, *whilst at that Settlement in the full Possession and exclusive Exercise of the entire Powers of the Bombay Government, and thereafter confirmed by the Governor in Council, on the 1st of August* 1800 *(corresponding with the 11th Shravan Sood, Sumbut or Vekramajit Era,* 1857; *Salbahan,* 1722; *and 9th Rebya ul avul,* 1215 *Hejry).*

I. The following rules have been enacted for the appointment of the ministerial officers of the civil and criminal courts of judicature, and for regulating their respective duties, including also provisions for receiving and trying any charges of corruption or extortion that may be preferred against them, or any private servants or dependants of the Judges of the courts.

II. The

Court to appoint their native officers. Exception to the rule. To remove them when they may judge it proper.

II. The courts of civil and criminal judicature are to appoint their respective native officers, conformably to their establishments (excepting the Naibs of the Nazirs, the Merdahs, and the Peons), and are empowered to remove such officers for incapacity, misconduct, or other cause that may appear to them sufficient, and nominate other persons duly qualified for the appointments. The Nazirs are to appoint their own Naibs, and Merdahs, and the Peons of the courts to which they may respectively belong, and to remove them at their pleasure. The Nazirs are to enter into a *mochulka*, or penal obligation, in such sum as may be required by the courts to which they may be respectively attached, for the good behaviour of the Naibs, Merdahs, and Peons, whom they may appoint. The courts are authorized to require similar mochulkas, or penal obligations, in such sums as they may judge proper, from the native officers of their respective courts.

Nazirs to appoint their own Naibs, Merdahs, and Peons, entering into an obligation for their good behaviour.

Courts empowered to take similar obligations from the other native officers.

Oath to be taken by the Registers and their Assistants, and other ministerial officers being covenanted servants of the Company.

III. The Registers of the courts of civil judicature, and their assistants, and all ministerial officers of the courts who may be covenanted servants of the Company, are to be appointed by the Governor in Council. Previous to entering upon the execution of the duties of their respective offices, they are to take and subscribe the following oath in open court, before the Judge or Judges of the court to which they may be attached.

"I, A. B., Register (or Assistant to the Register, or other officer) to the "Sudder Adawlut (or to the Governor in Council in the Government's "capacity of Superior Judges of the Criminal Courts, or of the Court of "Session of....., or of the Judge's Court of.....), solemnly swear, "that I will truly and faithfully perform the duties of Register (or "Assistant to the Register or other officer) to this court, according "to the best of my knowledge and ability; that I will not receive, "directly or indirectly, any present or nuzzer, in money or effects of "any kind, from any party or person whomsoever, on account of any "suit to be instituted, or which may be depending or have been decided in "the court of which I am appointed Register (or to the Register of which "I am Assistant, or other officer); that I will not knowingly permit any "person or persons under my authority, or in my immediate service, to "receive, directly or indirectly, any present or nuzzer, in money or effects, "from any party or person whomsoever, on account of any suit to be insti-"tuted, or which may be depending, or have been decided in the court; "that I will not be concerned, directly or indirectly, in the purchase of any "goods or commodities in the British dominions on this side of India, for "the purpose of remitting money to Europe, nor in any commercial trans-"actions; and that I will not derive, directly or indirectly, any emoluments "or advantages from my station, excepting such as the orders of Govern-"ment do or may authorize me to receive: So help me God."

Oath to be taken by certain of the native officers of the civil and criminal courts.

IV. The Serishtadars, or other head native officers, Moonshees and Nazirs of the civil and criminal courts, previous to entering upon the execution of the duties of their offices are to take and subscribe the following oath in open court, before the Judge or Judges of the court to which they may be attached.

"I, A. B., appointed to the office of Serishtadar (or other head office, or "Moonshee, Mohurrer, or Nazir) to the Sudder Adawlut (or to the Gover-

nor

" nor in Council in the Government's capacity of Superior Judges of the " Criminal Courts, or of the Court of Session of ....., or the Judge's " Court of .....) solemnly swear, that I will truly and faithfully per- " form the duties of the office to which I have been nominated, to the best " of my knowledge and ability; that I will not receive, directly or indirectly, " any present or nuzzer, in money or effects of any kind, from any party " whomsoever, on account of any suit to be instituted, or which may be " depending, or have been decided in the court; and that I will not know- " ingly permit any person or persons under my authority, or in my imme- " diate service, to receive, directly or indirectly, any present or nuzzer, in " money or effects, from any party or person whomsoever, on account of " any suit to be instituted, or which may be depending or have been decided " in the court; and that I will not derive, directly or indirectly, any advan- " tages or emoluments from my office, excepting such as the orders of " Government do or may authorize me to receive."

Ministerial officers to perform all such official acts as may be prescribed to them by the Judges.

V. The Registers to the civil and criminal courts are to perform all such official acts as may be prescribed to them by the Judges of the courts, who are empowered to assign to all ministerial officers attached to their several courts the particular duties or business to be performed by them respectively.

Suits which the Judges of the Courts are empowered to refer to their Registers for trial and decision.

VI. The Judges of the courts are empowered to authorize the Register of their respective courts to try and decide suits for money, or any personal property, where the amount or the value of the thing contested shall not exceed the sum of two hundred rupees, and for malguzarry or revenue land the annual produce of which shall not be above two hundred rupees, and for lakheraje or free land the produce of which shall not be more than twenty rupees per annum. The Register is to try and decide such suits in open court, at times when the Judge himself shall not sit. The decrees passed by the Register are to be signed by him, and countersigned by the Judge to denote his approbation of them, and are not to be considered valid unless they are so countersigned.

Registers to the Judges not to officiate as Judges without the sanction of the Governor in Council.

Registers to the civil and criminal courts not to exercise any powers, but such as are vested in them by the Regulations.

VII. The Registers to the Judges' courts are not to exercise the powers of Judge, in the event of the temporary absence or indisposition of the Judge of the court or of the office of the Judge being vacant, without the express sanction of the Governor in Council; nor are the Registers to any of the civil or criminal courts of judicature to exercise any judicial or other powers, in any case or matter coming within the cognizance of the courts, excepting the powers which they may be authorized to exercise by any Regulations passed and published in the manner directed in Regulation I, 1799.

Duties to be performed by the Registers, Assistants, and native officers.

VIII. The Registers to the civil and criminal courts, after the rising of the courts, are to procure all acts of the courts to be executed. The Assistants to the Registers, and the native officers attached to the courts, are to assist the Registers in performing the abovementioned duties, and in translating and transcribing papers, and in arranging and keeping the records of the courts. The Registers and their Assistants, and their native officers, are to perform the duties specified in this section, in the manner, and conformably to the rules, which the Judges of the courts to which they may be respec-

tively attached may think it proper to prescribe. The native officers of each court are not to interfere in any other manner than as above directed, publicly or privately, in any cause or matter depending before the court, or which may have been, or shall be intended to be brought before it.

Ministerial officers of the courts amenable to their respective courts for corruption and extortion.

IX. *First.* The ministerial officers of the civil and criminal courts (under which designation are comprehended the Registers, and the Assistants to the Registers, or any other subordinate officers, being covenanted servants of the Company, and all native officers attached to the courts, excepting the law officers) are declared amenable to the courts to which they may be respectively attached, for acts of corruption or extortion, and the courts are empowered to receive any such charges that may be preferred against them.

Oath or declaration to be made, and security to be given by the complainant, before the court receive the charge.

Previous, however, to receiving the charge, the courts are to require the complainant to make oath to the truth of it (or subscribe the required declaration, if he shall come within the description of persons whom the courts are empowered to exempt from taking oaths), and give security, in whatever sum they may judge proper, to prosecute the charge without delay. Unless the complainant shall previously take the oath, or subscribe the above-mentioned declaration, and give the required security, the courts are not to receive the charge.

Case in which Government are empowered to receive charges of corruption or extortion against the ministerial officers of the courts.

Second. The Sudder Adawlut and the Governor in Council, in the Government's capacity of superior Judges of the criminal courts, are empowered to receive any charge of corruption or extortion, not relating to any suit or matter depending before them, or decided by them, that may be preferred to them against any ministerial officer of a Court of Session or Judge's Court,

How Government is to proceed, if the charge relate to any matter depending before or decided by it.

and to refer it to the court to which the accused may be attached, or to any other competent tribunal, provided the complainant shall prove to their satisfaction that he preferred the charge in the first instance to such court, and offered to make the required oath or declaration, and to give the security prescribed in clause first, and that the court notwithstanding omitted or refused to receive the charge; and shall moreover make the required oath or declaration, and enter into the security prescribed in the above-mentioned clause. But if any person shall so prefer a charge of corruption or extortion against any ministerial officer of a Court of Session or Judge's Court, in any appeal or matter which may be depending before, or have been decided by the Government, in either of its two afore-mentioned capacities, the Governor in Council may receive the charge and refer it to the Judge's Court to which the accused may be attached, or to any other competent tribunal, without further inquiry; provided the complainant shall previously make the oath or declaration and give the security required in clause first.

Courts of Session how to proceed, in the event of their receiving a charge of corruption or extortion, and there appearing to them any objections to the referring it to the court to which the accused may be attached.

Third. The Courts of Session are to receive all charges of corruption or extortion that may be preferred to them upon oath, during their sittings, against any ministerial officers of the Judges' Courts; when, if there shall appear to the court, upon a consideration of the circumstances of the case, any objections to referring the charge to the court to which the accused may be attached, they are to report the grounds thereof to the Sudder Adawlut, which court is empowered to cause the charge to be tried by such competent court as they may deem expedient.

In what court charges of corruption or extortion preferred against

Fourth. Charges of corruption or extortion that may be preferred against the ministerial officers of any civil or criminal court of judicature, under this

section,

section, are to be considered as civil actions, and accordingly are to be prosecuted in the civil courts. Conformably to this rule, whenever the Government may receive any such charge against its own officers, they are to direct the complainant to prosecute the charge before themselves, as they may also any charge preferred against the ministerial officers of any Court of Session or Judge's Court, in the event of their not judging it proper to refer it to any other tribunal.

any ministerial officers of a court are to be tried.

Fifth. If a native ministerial officer of any civil or criminal court, who may be prosecuted for corruption or extortion under this section, shall be proved to have received or taken the whole, or any part of the money or property which he may be charged with having received or taken, the court is to adjudge him to refund the amount or value of the money or property which he may be proved to have so received or taken, and to pay a fine of three times the amount of it to Government. In enforcing the decision, the court is to observe the rules prescribed for enforcing other decisions of the court. The court may suspend a native officer against whom a charge of corruption or extortion may be passed, if it shall see cause for so doing.

Judgment to be passed by the courts, in the event of a charge of corruption or extortion being proved, in whole or in part, against any native ministerial officer.

Sixth. If a ministerial officer of any civil or criminal court, being a covenanted servant of the Company, who may be prosecuted for corruption or extortion under this section, shall be proved to have received or taken the whole, or any part of the money or property which he may be charged with having taken or received, the court shall adjudge him to refund the amount or value of the money which he may be proved to have received or taken, and to pay a fine of three times the amount to Government. If the officer against whom such decree may be passed shall not appeal from it within the limited time, the court by which the decree may be given is to transmit a copy of it to the Governor in Council. If an appeal shall be made from the decision, and the decree shall be confirmed in appeal, the Governor in Council will order the amount of the decree to be deducted from the allowances payable to such officer from Government, or take such other measures as he may judge expedient for enforcing payment of it. The Governor in Council, provided he shall think it proper so to do, will dismiss such officer from his appointment, or both dismiss him from his appointment and suspend him from the service of the Honourable Company. A copy of every decree passed by a court acquitting a ministerial officer of a charge of corruption or extortion is to be transmitted by the court to the Governor in Council, within one week after it may be passed. The Governor in Council, in cases in which, from the circumstances, he may judge it expedient, will suspend any such ministerial officer from his appointment until a final decision be passed on the charge.

Judgment to be passed by the courts in the event of a charge of corruption or extortion being proved, in whole or in part, against any ministerial officer being a covenanted servant of the Company.

Seventh. All process which may be issued under this section against a ministerial officer of any court who may be a covenanted servant of the Company, is to be transmitted to him, under a cover sealed in the form of a letter, directed to his address, and superscribed by the Register with his name and official appellation; or if the charge be against the Register of the court from which the process may issue, the superscription is to be made by any ministerial officer attached to the court, being a covenanted servant of the Company;

Process issued against servants of the Company under this section how to be served.

Company; or if there be no such servant, by the Judge of the court, if it be a Judge's Court. The officer to whom the process may be issued is to return it under a cover to the Judge or officer by whom the cover may be superscribed, with an endorsement acknowledging the receipt of the process.

An appeal to lie to the Sudder Adawlut from all decrees whatever that may be passed by the Judges' Courts under this Section against civil covenanted servants of the Company.

Eighth. An appeal shall lie to the Sudder Adawlut from all decisions that may be passed by any Judge's Court, in charges of corruption or extortion preferred against any ministerial officer of a civil or criminal court, being a covenanted civil servant of the Company, whether the decree adjudge the charge proved or not, and whatever may be the amount decreed.

Officers at liberty to prosecute persons preferring groundless charges against them under this section.

Ninth. If any person shall prefer a charge of corruption or extortion against a ministerial officer of any civil or criminal court of judicature under this section, and the charge shall not be proved, the accused is to have the option of suing the accuser for damages, in any court of civil judicature to which he may be amenable.

Courts of Session and Judges' Courts to report any misconduct of their Registers or their Assistants.

X. The Courts of Session and the Judges' Courts are enjoined to report to the Sudder Adawlut, or to the Governor in Council, in the Government's capacity of superior Judges of the criminal courts (according to the nature of the case), whenever their Registers, or the Assistants to their Registers, or other ministerial officers attached to their courts, who may be covenanted servants of the Company, shall be guilty of neglect or misconduct (other than corruption or extortion) in the discharge of their duty.

Punishment for persons not attached to the courts convicted of corruption or extortion.

XI. If a native servant or dependant of any Judge of a civil or criminal court of judicature, not being a public officer attached to the court, shall extort or receive, directly or indirectly, any money or other valuable consideration, under any pretence whatever, from any party or person, on account of any suit to be instituted, or that may be depending or have been decided in the court, he shall be committed as for a contempt of court, and be punished by a fine equal to treble the sum of money extorted, or by imprisonment or corporal punishment, at the discretion of the court, and the Judge is required to discharge such servant or dependant, and never to employ him, directly or indirectly, in his public or private capacity. If the offender shall not appeal against the decree within the limited time, or if an appeal shall not lie from the decision, or if the decision shall be confirmed in appeal, the court by which the final decree may be passed shall transmit a copy of it to the Governor in Council, who, in addition to the penalties or punishments specified in the decree, will, if there shall appear to him grounds for so doing, declare the offender incapable of serving Government in any capacity; which power the Governor in Council reserves to himself in all other adjudged cases of conviction for corruption or extortion by natives, that are declared cognizable under the present Regulation.

A. D. 1800. REGULATION V.

A Regulation *for the Appointment of the Hindoo and Mohammedan Law Officers of the Civil and Criminal Courts of Judicature:* Passed, *as far as regards Surat and its Dependencies, by the Honourable the Governor of Bombay, under date the 20th of May* 1800, *whilst at that Settlement in the full Possession and exclusive Exercise of the entire Powers of the Bombay Government, and thereafter confirmed by the Governor in Council on the 1st of August* 1800 *(corresponding with the 11th Shravan Sood, Sumbut, or Vekramajit Era* 1857*; Salbahan,* 1722*; and 9th Rebya ul avul,* 1215 *Hejry).*

I. It is essential to the due administration of justice, that the law offices in the courts of judicature should be held by men of integrity, well versed in the laws, and that they should be so constituted as to render persons possessing the requisite qualifications solicitous to obtain them, and afford every encouragement to such persons, when appointed, to continue to discharge their duty with uprightness. It is likewise necessary, upon general principles, that the law officers should be subject to penalties for misconduct, that they may be deterred from abusing their important trusts. The following rules have been accordingly enacted.

Law officers of the civil and criminal courts to be appointed by the Governor in Council, and not to be removable but for incapacity or misconduct in their public, or profligacy in their private character, proved to his satisfaction.

II. The law officers of the Sudder Adawlut at the Presidency, the Courts of Session, and the Courts of the Judges, are to be appointed by the Governor in Council; and shall not be removable, but for incapacity or misconduct in the performance of their public duty, or for any act of flagrant profligacy in their private conduct, proved to his satisfaction.

Qualifications for the law officers.

III. The law offices in the several courts are to be conferred on persons well versed in the laws, and of unblemished moral characters.

Mohammedan law officers at the Presidency and in the Judges' Courts and Courts of Session.

IV. The Cauzy and Muftees and Pundits to the Sudder Adawlut at the Presidency shall be the Cauzy and Muftees to the Governor in Council, in the Government's capacity of superior Judges of the criminal courts, and the same officers in the Judges' Courts are to officiate in like manner in the Courts of Session.

Oath to be taken by the Mohammedan and Hindoo law officers of courts of judicature previous to their entering upon their offices.

V. *First.* The Mohammedan and Hindoo law officers of the Sudder Adawlut and of the Government, in their capacity of superior Judges of the criminal courts, and of the courts of civil and criminal judicature, previous to entering upon the execution of the duties of their offices are to take and subscribe the following oath before the court to which they may be respectively attached:

"I, A. B., Cauzy (or Mufty or Pundit), solemnly swear, that I will "truly and faithfully perform the duties of Cauzy (or Mufty or Pundit) of "the Sudder Adawlut, or of the Governor in Council, in the Government's "capacity of superior Judge of the criminal courts, or of the Judge's civil "Court and the Court of Session (as the case may be), according to the "best of my knowledge and ability; that I will not receive, directly or

"indirectly,

" indirectly, any present or nuzzer, in money or effects of any kind, from " any party or person whomsoever, on account of any suit to be instituted, " or cause or trial which may be depending or have been decided; and that " I will not, directly or indirectly, derive any advantage or emolument " from my office, excepting such as the orders of Government do or may " authorize me to receive."

Second. At the expiration of every six months, the Cauzees, and Muftees, and Pundits aforesaid, are to take and subscribe the following oath before their respective courts:

" I, A. B., Cauzy (or Mufty or Pundit), solemnly swear, that from the " ..... to the ..... last, I have truly and faithfully executed the " duties of Cauzy (or Mufty or Pundit) of this court, to the best of my " knowledge and ability; that I have not received, directly or indirectly, " any present or nuzzer, in money or effects of any kind, from any party or " person whomsoever, on account of any suit (or cause or trial) which has " been or is to be instituted, or is depending, or has been decided in the " court of which I am Cauzy (or Mufty or Pundit), and that I have not, " directly or indirectly, derived any advantage or emolument from my office, " excepting such as the orders of Government authorized me to receive."

Courts how to proceed in charges of corruption or extortion that may be preferred against law officers.

VI. *First.* The rules prescribed in Section IX, Regulation IV. 1800, respecting charges of corruption or extortion lodged against the native ministerial officers of the civil and criminal courts, are to be held applicable to charges of a similar nature that may be preferred against the Hindoo or Mohammedan law officers of the several courts, with the following qualifications.

An appeal to be to the Sudder Adawlut from all decisions whatever passed by the Judges' Courts.

Second. An appeal shall be to the Sudder Adawlut from all decisions which may be passed by the Judge's Court, whereby a charge of corruption or extortion against any law officer may be decreed not proved, or by which any such charge may be adjudged to be proved, whatever may be the amount decreed to be paid.

Cases in which decrees passed by the Judges' Courts on such charges are not to be enforced.

Third. No decree passed by any Judge's Court, adjudging a Hindoo or Mohammedan law officer guilty of corruption or extortion, shall be carried into execution, in the event of the law officer against whom such decree may be passed appealing from the decree, and giving the securities required by Section X, Regulation VII.

Cases in which the Judges' Courts are to transmit decrees, adjudging their law officers guilty of corruption or extortion, to the Governor in Council.

Fourth. The Judge's Court is to enforce, by the usual process, all decrees that they may pass, adjudging their law officers guilty of corruption or extortion, which may not be appealed against within the limited time, and transmit copies of the decrees to the Governor in Council.

Power reserved by the Governor in Council in cases of law officers being convicted of corruption or extortion.

Fifth. The Governor in Council, upon the receipt of any decree not appealed against, adjudging a law officer of a civil or criminal court guilty of corruption or extortion, which may be transmitted to him under this section, reserves to himself the power of dismissing the offender from his office, or of both dismissing him from his office and declaring him incapable of exercising any employment under Government. The Governor in Council likewise reserves to himself the power of suspending any law officer against whom a charge of corruption or extortion may be preferred, until a final decision shall be passed on the charge, whenever it may appear to him expedient,

expedient, either upon the representation of any of the courts of judicature, or in consequence of any other information which may come before him.

Sixth. When a Judge's Court shall adjudge a charge of corruption or extortion that may have been preferred against any law officer not to be proved, and the prosecutor shall not appeal from the decree within the limited time, the court is to transmit a copy of it to the Governor in Council.

All final decrees adjudging such charges not proved are to be transmitted to the Governor in Council.

VII. Upon a vacancy occurring in any law office in a Judge's Court by death or resignation, the Court is to report the vacancy to the Governor in Council, and recommend a person duly qualified to fill it. The Governor in Council will either appoint the person so recommended, or any other person whom he may deem better qualified for the office.

Court how to proceed when vacancies occur in the law offices in their respective courts.

A. D. 1800. REGULATION VI.

A REGULATION *for referring Suits to Arbitration in the City of Surat and its Dependencies:* PASSED *by the Honourable the Governor of Bombay on the 20th of May* 1800, *whilst at that Settlement in the full Possession and exclusive Exercise of the entire Powers of the Bombay Government, and thereafter confirmed by the Governor in Council on the* 1st *of August* 1800 *(corresponding with the* 11*th Shravan Sood, Sumbut or Vekramajit Era* 1857; *Salbahan,* 1722; *and* 9*th Rebya ul avul,* 1215 *Hejry).*

I. SINCE it may be found expedient, in the administration of justice in the city of Surat and its dependencies, that various suits continue to be decided by arbitration, as has hitherto been so much the practice, the following rules have for that purpose been enacted.

II. In suits that may be brought before the Judge's Court, concerning disputed accounts, partnerships, debts, doubtful or contested bargains, or non-performance of contracts, in which the cause of action shall exceed two hundred rupees, the court is to recommend the parties to submit the decision of the matters in dispute to arbitration.

What suits, exceeding two hundred rupees, the courts are to recommend to the parties to refer to arbitration.

III. In all suits for money or personal property, the amount or value of which shall not exceed the sum of two hundred rupees, the court is empowered, with the consent of the parties, to refer the suit to the decision of one arbitrator. The parties or their Vakeels, upon agreeing to the reference, shall, on or before the next court day, mutually choose some one common friend or indifferent person, who may be willing to undertake the arbitration. If the parties shall not agree with respect to the person to be appointed arbitrator, or if the person nominated by them shall refuse to accept the arbitration, and the parties or their Vakeels cannot agree in the appointment of another person willing to undertake the arbitration, the court, with the consent of the parties, is to appoint, as arbitrator in the cause, the proprietor of the estate in which the cause of action shall have arisen, or the farmer if the estate

Cases in which the court is empowered to nominate one person to arbitrate with the consent of the parties.

estate be held in farm of Government, or the Cauzy of the pergunnah, or the Tehsildar, or any other creditable person; provided that the person, so to be nominated by the court, be not in any respect interested in the matter in dispute. But if the parties cannot agree in the nomination of an arbitrator, or if the person whom they may nominate shall refuse to accept the trust, and the parties cannot agree upon the appointment of any other person willing to undertake the arbitration, or shall not consent to the appointment of an arbitrator by the court, the cause is not to be referred to arbitration, but is to be tried by the court, or the Register, if the Judge shall think it proper to refer it to him for decision. In the event of the parties, or their Vakeels, agreeing in the nomination of an arbitrator willing to accept the arbitration, or to an arbitrator being appointed by the court, the person so chosen or appointed shall be the arbitrator in the cause. The parties, however, in suits of the nature of those described in this section, are to have the option of choosing two or more arbitrators to decide their cause, in the same manner as the parties in the causes specified in Section II.

Parties in suits described in this section to have the option of referring their causes to the decision of two or more arbitrators.

IV. The Judge is enjoined to afford every encouragement in his power to persons of character and credit to become arbitrators; but he is not to employ any coercive means for that purpose, nor to permit any of his public officers or private servants, or any of the authorized Vakeels practising in the court, to be arbitrators in a cause. In all cases, the court is directed to endeavour, but without using any compulsion, to prevail upon parties to submit their cause to the arbitration of one person to be mutually agreed upon by them. In every case (with the exception of the cases specified in Section III, which the court is empowered to refer to one arbitrator with the consent of the parties) the parties are to choose the arbitrators, who are to decide the matter in dispute, without fee or reward.

Court to encourage, but not oblige persons to become arbitrators.

What persons are disqualified from becoming arbitrators.

Court to recommend parties to submit to the arbitration of one person.

Parties to choose the arbitrators.

Exception.

Arbitrators to decide without fee or reward.

V. Whenever a suit shall be submitted to arbitration, the court, previous to the arbitrator or arbitrators entering upon the arbitration, is to cause the parties to execute arbitration bonds, binding themselves to abide by the award, and agreeing that it be made a decree of the court. The court is to fix such time as it may think reasonable, upon a consideration of the nature and circumstances of the case, for the delivery of the award, and the period so fixed is to be specified in the bonds. If the cause shall be referred to two or more arbitrators, the following provisions are to be made for completing the award, in the event of the arbitrators not delivering it by the limited time, either from disagreement or other cause. If the decision of the suit shall be referred to two or more arbitrators, whether an odd or an even number, the parties are to have the option of nominating jointly one person as umpire; or if the number of arbitrators appointed shall be three or more, being an odd number, to agree that the award given by the majority shall be final, or to permit the arbitrators to nominate an umpire. The name of the umpire, and the time by which he is to make his award, in the event of the arbitrators not delivering it by the limited period, is to be specified in the bonds, which are to be executed before the arbitrators enter upon the inquiry. In the event of an umpire being appointed, and the arbitrators not agreeing in an

Court how to proceed upon the parties agreeing to refer a cause to arbitration.

Provisions to be made against the arbitrators not delivering their award by the limited time, from disagreement or other cause.

an award by the limited period, their authority is to cease from such period, and the umpire is to give his award.

Court how to proceed when the arbitration bonds have been executed.

VI. When a cause shall be referred to arbitration, and the bonds specified in the preceding section shall have been executed, the court is to transmit to the arbitrator or arbitrators a copy of the bill of complaint, and by a short writing, under the seal of the court, refer to him or them the matters in dispute between the parties. In the trial of the suit, the arbitrators are to investigate the matters in dispute by hearing the pleadings of the parties and examining their respective witnesses and documents. The court is to issue the same process to the parties and to the witnesses, whom the arbitrator or arbitors, or the parties may desire to have examined, to appear before the arbitrator or arbitrators, and to administer such oaths to the parties and witnesses as the court is authorized to administer, in causes tried before it; and persons not attending in consequence of such process, or making any default, or refusing to give their testimony or to sign their depositions, or being guilty of any contempt to the arbitrator or arbitrators during the investigation of the suit, are to be subject to the like disadvantages, penalties, and punishments, by order made by the arbitrator or arbitrators, as they would incur for the same offences in suits tried before the court. Provided that the arbitrator or arbitrators shall report the order, with the reason for making it, to the court, and obtain its consent thereto, which is to be signed by the Judge signing the order. In cases in which an arbitration may be held at a considerable distance from the court, the court may grant commissions to the arbitrators to administer the proper oaths to witnesses whom they may be desirous of examining upon oath.

Cases in which the court may extend the period for the delivering of an award.

VII. In cases where arbitrators or umpires shall not have been able to complete the award by the limited time, from want of the necessary evidence or information, or other good and sufficient cause, the court is empowered to allow a further time for the delivery of the award. In the first-mentioned case, the court is to fix a period by which the umpire (if an umpire shall have been appointed) is to deliver his final award, in the event of the arbitrators not completing their award by the expiration of such further time.

Arbitrators to deliver all documents and papers into the court.

VIII. When a final award in a cause shall be made either by the arbitrators or the umpire, it is to be submitted to the court under the seal and signature of the person or persons by whom it may be made, together with all the proceedings, depositions, and exhibits in the cause.

Award to become a decree of the court.

The court is to pass a decree conformably to the award, and the decree is to be carried into execution in the same manner as other decrees of the court.

Award not to be set aside but upon proof of corruption or partiality against the arbitrators.

IX. The award of an arbitrator or arbitrators is not to be set aside; except it be fully proved, to the satisfaction of the court, by the oaths of two credible witnesses, that the arbitrator or arbitrators has or have been guilty of gross corruption or partiality in the cause in which the award may be made.

A. D. 1800. REGULATION VII.

A REGULATION *for extending and defining the Powers and Duties of the Court of Sudder Adawlut, and prescribing Rules for receiving and deciding upon Appeals from the Decisions of the Judges' Courts:* PASSED *by the Governor in Council on the 26th of December* 1800 *(corresponding with the* 11*th Maghser, Sumbut or Vekramajit Era* 1857; *Salbahan,* 1722; *and* 9*th of Shaban,* 1215 *Hejry).*

I. THE extension of the powers of the civil court of judicature established in Salsette and Caranja, and in Surat, for the trial of civil suits in the first instance, by Regulation III. 1799, and Regulation I. 1800, having rendered it necessary to extend the power of the Sudder Adawlut, or country court of appeal at the Presidency, the following rules have been enacted.

Court to consist of the Governor and the other Members of the Council.

II. The court of Sudder Adawlut is to consist, as hitherto, of the Governor and the other Members of the Council.

Seal of the court.

III. The court is to use a circular seal, two inches and a quarter in diameter, with an inscription to the following effect, in the Persian and Guzerattee characters and languages: " The seal of the Sudder Adawlut." The court is to be held in a large and convenient room at Bombay, and to sit *de die in diem,* as the dispatch of business may require; and is empowered to make such reasonable adjournments as may be deemed expedient consistently with the business. No rule, order, proceeding, or decree, is to be made but on court days, and in open court.

Court to be held in Bombay.

To sit *de die in diem,* and to make reasonable adjournments. No decree, order, &c. to be made but on court days, and in open court.

Cases in which the Sudder Adawlut is empowered to refer original suits or complaints to the Judges' Courts.

IV. *First.* The Sudder Adawlut is empowered to receive any original suit or complaint which may be cognizable in any court, and to command the Judge of such court, by a precept under the seal of the court, and attested by the Register, to receive the suit or complaint, and to proceed to hear and determine it, provided proof shall be previously made to their satisfaction that the Judge refused or omitted to proceed in it. If the plaintiff shall refuse or neglect to proceed in the suit or complaint, for the period of six weeks after the order of the Sudder Adawlut may be received by the Judge's Court and notified to the complainant, the Judge is authorized to dismiss it. Notwithstanding the order of the Sudder Adawlut in such cases, the Judge, within one week after the dismission of the suit or complaint, is to certify to the Sudder Adawlut, under his hand and the seal of the court, that the suit or complaint has been dismissed, and the grounds of the dismission.

Suit or complaint to be dismissed, if the party preferring it shall refuse or omit to proceed in it for six weeks.

Judge to notify the dismission of the suit to the Sudder Adawlut.

Cases in which the Sudder Adawlut may receive petitions respecting suits or matters depending, or which have been decided in any civil court.

Second. The Sudder Adawlut is vested with authority to receive any petitions respecting suits or matters that may be depending, or have been decided in any civil court; and provided it shall be proved to their satisfaction that the petition was presented to the Judge of such court, and that he refused or omitted to receive it, or to comply with the prayer of it, and the prayer shall appear to the court just and reasonable, and consistent with the Regulations, and they shall be of opinion that it was the duty of the Judge to have complied with it, the court are empowered to issue a precept, under the seal of the court and attested by the Register, commanding the Judge to receive the petition, and to proceed respecting it in whatever manner they may think

Court how to proceed with such petitions.

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it proper to direct, and return, by a limited period, what he has done in consequence of such command.

Sudder Adawlut not to correspond with parties in suits, or any person, respecting matters before the court or cognizable by it.

V. The Sudder Adawlut is prohibited corresponding, by letter, with parties in suits or process, or matters depending before them or coming within their cognizance. If a party in a suit, or any person amenable to the jurisdiction of the court, shall have any matters to represent to the court, he is either to appear in the court in person, and represent the matter in writing, or to make the representation in writing through an authorized Vakeel. The court are to pass whatever order upon the representation may appear to them proper, consistently with the Regulations, and to cause a copy of the order to be delivered to the person making the representation, or to his Vakeel, under the seal of the court, and attested by the Register.

In trying matters in the first instance, and in appeals, the Sudder Adawlut to be guided by the rules prescribed to the Judges' Courts.

Exception to this rule.

VI. In matters which the Sudder Adawlut may be empowered by any Regulation to try in the first instance, and also in appeals that may be preferred to the court from decisions of the inferior courts (except as to hearing witnesses and receiving evidence), the court is to proceed in the same manner, and with the like powers and authority, and subject to the same restrictions, limitations, and exceptions, as are prescribed to the Judges' Courts.

Sudder Adawlut how to proceed in the event of the Judge of a civil court being charged with corruption.

VII. If any person shall charge the Judge of a civil court before the Sudder Adawlut with having been guilty of corruption in opposition to his oath, the court is to receive the charge, provided the complainant shall previously make oath to the truth of it (or subscribe the required declaration, if he shall be of the description of persons whom the court are empowered to exempt from taking oaths), and give security, in whatever sum the court may judge proper, to appear and prosecute the charge when required. Unless the complainant shall take the oath, or subscribe the above-mentioned declaration, and give the required security, the court are not to receive the charge. If the court shall receive any such charge, the court (according as they may deem proper upon a consideration of the circumstances of the case) may direct the parties to proceed to Bombay, that the charge may be tried before the Sudder Adawlut; or the court may grant a special commission to three or more persons to assemble and try the charge, or they may order the party accused to be prosecuted in the King's Court at Bombay by the law officers of Government, under the provisions made by Act of Parliament for such cases. If the charge shall be established, the Governor in Council will either remove such Judge from his office, or suspend him from the Honourable Company's service, or pass such other order as may appear to him proper. If the charge shall not be proved, the Judge so accused is to be at liberty to sue the accuser for damages in any court of judicature to which he may be amenable. The rules contained in this section are not to be construed to prevent any individuals who may have a charge of corruption to prefer against a Judge of any court, from prosecuting such charge in the King's Court, in the first instance, under the provisions made by Act of Parliament for such cases.

Punishment to which the party accused will be liable if convicted.

If the charge shall not be proved, the accuser to be liable to be prosecuted for damages.

Rules contained in this section not meant to deter individuals from prosecuting such Judges in the King's Court in the first instance, under the Act of Parliament.

From what decrees of the Judges' Courts an appeal is to lie to the Sudder Adawlut.

VIII. If any person shall deem himself aggrieved by the decree of any Judge's Court that may be passed for land, or other real property being *lackeraje*

lackeraje (exempted from the payment of revenue to Government), the annual produce of which shall exceed fifty rupees, or for any landed estate being *malguzary* (paying revenue to Government), where the produce shall exceed five hundred rupees per annum, and in all other cases where the decree shall be for a sum of money, or personal property, or real property, not of the descriptions before-mentioned, the amount of which shall entitle the party to appeal, under Section XIX, Regulation III. 1793, and Section XIX, Regulation I. 1800, such person shall be at liberty to appeal from the decision to the Sudder Adawlut by petition of appeal. The petition is to state (respect being had to the matter decreed) the annual produce of the land, whether lackeraje or malguzary, the sum of money or the description and value of the property which may be decreed, the name of the person in whose favour the decree may be given, the court in which it may have been passed, when it was made, what was decreed by it, and whether the decree has been executed, and is to assign some cause, special or general, for appealing from the decision. The petition is to be accompanied with an attested copy of the decree of the Judge's Court, or by a written declaration, signed by the party desirous to appeal, or his Vakeel, that ten days after the decision was passed he applied to the court for a copy of the decree and was denied it. The petition is to be presented to the court in which the decree appealed against may have been passed, or to the Sudder Adawlut, within three calendar months after the day on which the decree may be given; but it shall nevertheless be permitted to such person to prefer his petition of appeal to the Sudder Adawlut, after the expiration of the three months, and the court are authorized to admit the appeal, provided the petitioner can shew just and reasonable cause, to their satisfaction, for not having preferred it within the limited period: but whenever the Sudder Adawlut may admit or reject an appeal which may be preferred to them after the limited time, they are to enter upon their proceedings their reasons at large for so doing. If the petition of appeal shall be against a decree, whereby the right of possession of any landed estate, land, or house, or other real property, shall be decreed, and the party cast shall be in possession of the property at the time the decree may be made, all proceedings are to be immediately suspended, and no execution is to be had or possession given under the decree, until the appeal shall have been finally determined in the Sudder Adawlut, provided such party shall enter into good and sufficient security, in a sum equal to one year's amount of the annual produce of the landed estate, land, or house, or other real property which shall have been decreed, to abide by and perform whatever order may be passed by that court: but if such party shall neglect or refuse to enter into the prescribed security, on or before the court day next after the day on which the appeal may be preferred, the court by which the decision may have been passed is to order the decree to be executed. In all other cases, the inferior court may order the decree appealed against either to be carried into execution, or direct that sufficient security be given by the party against whom the decree may have been passed, in an amount equal to the sum of money or value of the thing decreed, for the performance of the decree. If the inferior court shall order the decree to be executed, security is to be taken from the party in whose favour the decree may be passed, in a sum of money equal

Petition of appeal to be accompanied with a copy of the decree, or a written declaration from the party or his Vakeel, that he applied for a copy of the decree within ten days and was denied it.

Period limited for preferring an appeal.

Cases in which the Sudder Adawlut may admit appeals after the limited time.

Court to record their reasons for admitting or rejecting an appeal after the limited time.

Execution of decrees for real property in possession of the party cast to be suspended upon his giving the security herein specified.

Such decrees to be executed, on the party cast failing to give the required security.

In all other cases, the court may either execute the decree appealed against, or take security from the party cast for the performance of it.

If the court shall order the decree to be executed, security is to be taken from the party in whose favour it may

equal to the amount or value of the thing decreed, for the due performance of such order or decree as may be made in the Sudder Adawlut. In all cases, however, the party appealing is to give good and sufficient security, in such sum as to the inferior court may seem proper, upon a consideration of the amount or value of the property or thing decreed (provided that the security so to be taken be not in any case for a greater sum than five hundred rupees), for the payment of the costs that the Sudder Adawlut may award, and for the performance of the decree which it may pass. When the securities hereby required shall have been entered into, the Judge of the inferior court is immediately to endorse on the petition, in his own handwriting, the day of the month and the year in which it may be presented, and sign it with his name, and cause to be written in the margin of the record, immediately opposite to the decree of the court, the word, "Appealed," and the court is to transmit the petition to the Sudder Adawlut. The court is, at the same time, to direct notice to be given to the appellant, in writing, that within fifteen days the proceedings held in the cause appealed will be certified to the Sudder Adawlut, and that if he shall not proceed in the appeal within six weeks after it may be filed in that court, the appeal will be dismissed, unless he shall shew reasonable cause, to the satisfaction of the court, for not having proceeded in it.

be made for the performance of the decree of the Sudder Aawlut.

In all cases, however, the appellant is to give the security herein required.

When the appellant has entered into the securities required, the Judge of the inferior court is to make the endorsement herein directed on the petition, which the court is to transmit to the Sudder Adawlut.

Notification to be made to the appellant upon the receipt of the petition of appeal.

IX. The inferior court, within fifteen days after the receipt of the appeal, is to certify, under the hand of the Judge and the seal of the court, to the Register of the Sudder Adawlut, the record duly made up and authenticated, including the original petition of appeal when preferred to that court; and in all cases the original depositions (where any may have been taken before the inferior court) and every original exhibit and paper read in the cause. Previous to transmitting the above-mentioned papers to the Sudder Adawlut, the inferior court is to cause true and faithful copies of all the originals, authenticated by the Serishtadar or head native officer of the court, to be made out and deposited in the court in lieu of the originals. The copies are to be deemed records of the court, and are to be received in evidence in any other court. In cases where the original depositions, or other original proceedings or matters whatsoever, shall have been previously entered in the inferior court, in any book which may likewise contain other proceedings in other distinct causes, or any other matter, so that such original papers cannot be transmitted to the Sudder Adawlut without the other proceedings or matters, the court, within the time and in the manner before directed, is to certify a true and authentic copy of such original papers, and that the original of each copy transmitted is so entered in such book. But it is nevertheless to transmit the original petition of appeal, the original answers or other separate pleadings of the parties, and the original exhibits which shall have been delivered in or produced by the parties, and read in the cause before the court, if they be forthcoming, in the manner before required. In cases where any original paper shall have been mislaid or lost, and a copy of it shall have been entered in any book or proceedings, the copy is to be deemed the original, and the court is to transmit a copy of it to the Sudder Adawlut, and in like manner to certify it, and that, after due search, the original cannot be found.

Record, including original papers in the cause appealed, to be transmitted to the Register to the Sudder Adawlut, in fifteen days after the receipt of the appeal.

Copies of the original papers transmitted, attested by the Serishtadar, to be deposited amongst the records of the court.

Copies to be deemed records, and to be received in evidence.

Copies of the original papers to be sent to the Sudder Adawlut, when the originals cannot be sent for the reasons herein specified.

Recorded copies of original papers not forthcoming to be deemed the originals, and copies of them to be forwarded and certified, as herein required.

Cases in which the Sudder Adawlut is empowered to order the court to suspend the execution of decrees, appeals from which may be preferred to them in the first instance.

X. If a petition of appeal shall be presented in the first instance to the Sudder Adawlut against any decree of an inferior court, whereby the right of possession of any landed estate, or of any land, or house, or other real property, shall have been decreed, and the party cast shall have been in possession of the property at the time the decree was passed, and no execution shall have taken place, or possession been given under the decree of the inferior court, and provided such party shall have given good and sufficient security to the inferior court, in a sum equal to one year's amount of the annual produce of the landed estate, land, or house, or other real property, which may have been so decreed, to abide by and perform whatever order may be passed in the Sudder Adawlut, the court is to issue an order to the inferior court, the decree of which shall be appealed against, to suspend the execution of it until the appeal shall have been finally determined. And in every case where a petition of appeal shall be preferred in the first instance immediately to the Sudder Adawlut, and no security shall have been taken by the inferior court, the Sudder Adawlut is not to proceed in the appeal, until the party appealing shall have entered into such security as he would have been required to have given, had he preferred his petition of appeal to the inferior court.

All process of the Sudder Adawlut (with the exception herein specified) to be issued through the inferior courts.

XI. All process, both to parties and witnesses, and every rule or order for the execution of a decree or final order, and every other order whatever which may issue from the Sudder Adawlut, is to be accompanied with written or printed counterparts in the Persian and Concanee languages and characters, in causes originating in Bombay, Salsette, Caranja, and their dependencies; and in the Persian and Guzeratte languages and characters, in causes originating in Surat and its dependencies, and sealed with the seal of the court and signed by the Register. All such process, rule, and orders, which are to be served or executed on any parties, witnesses, or persons (exclusive of the parties, Vakeels, or persons in actual attendance on the court, are to be directed to the inferior court of the division in which the cause of action shall have originally arisen, or in which the lands may be situated, or the parties may be or reside. Every such process, rule, and order, is to limit a certain time in which it is to be served, executed, and returned to the Sudder Adawlut. If any inferior court to whom any process, rule, or order, whatever, may be directed, shall wilfully disobey or neglect to perform the command contained in it, or make a false return, the Judges of the court who may commit such offence shall be liable to be suspended from their office by the Sudder Adawlut. If the Sudder Adawlut shall suspend any inferior Judge under this section, they are to notify the suspension to the Governor in Council within ten days after it may take place, together with the cause of it, and certify, under the seal of the court, the proceedings, depositions, and exhibits, and all other matters which may be necessary to enable the Governor in Council to pass a determination upon the suspension, and to transmit to him, on his requisition, any further papers and proceedings respecting the cause which he may deem necessary for his information. But the Sudder Adawlut is empowered, in cases in which, for the sake of expedition or other purpose, they may judge it expedient so to do, to issue any process to parties or witnesses immediately through the Collector

Judges of the inferior courts liable to be suspended by the Sudder Adawlut for refusing or omitting to obey or to conform to their process or requisitions.

Case in which the court may issue process to parties or witnesses immediately through the Collector.

Collector of the station, instead of directing it, in the first instance, to the inferior court. In such cases, the process is to be executed and returned directly to the Sudder Adawlut, and the Collector to whom it may be directed is to be subject to the like penalties for making a false return, or default in the execution of the orders contained in the process, as he would have been liable to had the process been issued from the inferior court.

Process of the Sudder Adawlut how to be served by the court.

XII. In all cases in which process, either to a party or witness, and all process whatever, and every rule or order for the execution of any decree or final order, or any order relating to a cause depending in the Sudder Adawlut which may be directed by such court to any inferior one, the court to whom the process may be directed is to execute the order contained in the process, rule, or order, and return it, so executed, within the time limited, or return to the Sudder Adawlut good and sufficient reason why it has not been served or executed. When any process, rule, decree, or order for the execution of any decree or final order, or any order whatever, shall be transmitted by the Sudder Adawlut to an inferior court to be served or executed, the return to such process, rule, order, or decree, is to be made by the court, either by endorsement on the process, rule, order, or decree, or to be written on a paper firmly annexed to it; and if the return be made in the last-mentioned manner, there is to be an endorsement on the process, rule, order, or decree, referring the Sudder Adawlut to the return contained in such annexed paper, and the court is to cause a copy of the process, rule, order, or decree, together with the return to it, to be deposited amongst the records of the court; and in all cases in which the Sudder Adawlut may transmit any order or process to be served or executed by an inferior court, against a party in a cause, and the party on whom it is to be served or executed is not, after diligent search, to be found, or shall have absconded, or shut himself up in his own or any house or building, or retired to any place so that the process cannot be served upon him, the court to which the process may be directed is to cause to be fixed up in some conspicuous part of the room in which the court may be held, a writing (in the Persian and Concanee languages, if it be in Bombay, Salsette, and Caranja, or their dependencies, and in the Persian and Guzerattee languages if it be in Surat) containing a copy of the order or process, and a notice, that if the party shall not obey the exigence of it within the time limited, the Sudder Adawlut will, without further notice, process, or order, proceed *ex parte* to hear, try, and determine the cause to which such process or order may relate; and the court is likewise to cause a copy of such writing to be fixed up, with all practicable dispatch, on the outer door of the house in which the party may have commonly dwelt, or in some conspicuous place in the village in which he may have usually resided, and to return to the Sudder Adawlut, in the manner before directed, how he has executed the process.

To return the process executed, or reason why it has not been executed.

Form and manner in which the return is to be made.

Court to cause a copy of the process and return to be deposited amongst the records of the court.

Court how to proceed in case any such process cannot be served upon the party, in consequence of his absconding or otherwise avoiding it.

Court to fix up a writing in the court-room, and at the place of residence of the party.

What the writing is to contain.

XIII. If an inferior court to which any process, rule, or order of the Sudder Adawlut may be transmitted, for the purpose of being served or executed on any party, shall return that the party has absconded or shut himself up in his own, or any house or building, or retired to any place, so that the process could not be served upon him, or that he was not, after diligent search, to be found, and that they had caused the writing to be fixed up in the places and

Sudder Adawlut to proceed *ex parte*, when the inferior court shall report that a party has absconded or was not to be found after the observance of the forms herein directed.

and manner directed, and the party shall not appear and obey the exigence of the process, rule, or order, the Sudder Adawlut is to proceed *ex parte* to try and determine the cause in which the process, rule, or order, shall have issued, in the same manner as if the party had appeared and obeyed the exigence of the process.

Cases in which the Sudder Adawlut are empowered to take new evidence in appeals, or to refer them back for further evidence to the inferior court.

XIV. The Sudder Adawlut is empowered, in cases of appeal in which it shall appear to them that the original suit has not been sufficiently investigated in the inferior court, or for any other cause that may be deemed reasonable by the court, either to receive such further evidence as they may think necessary for the just determination of the suit, and give judgment upon it, or to refer the suit back to the inferior court in which it originated, accompanied by such special directions to the inferior court, with regard to the new evidence they are to receive respecting it, as may be deemed by the court most conducive to justice and the convenience of the parties and witnesses; but in every case in which the Sudder Adawlut may exercise the power above vested in them by this section, they are to enter upon the record of the trial their reasons for having exercised it. In cases in which the court may judge it proper to receive such further evidence themselves, they are empowered, according as they may deem most conducive to justice (respect being had to the nature of the cause and the evidence) either to examine the witnesses to be produced *vivâ voce* in open court, first causing the witnesses to be sworn, and their depositions to be reduced into writing and signed by the deponents respectively, or to authorize their Register to swear the witnesses and take their depositions, and to cause the deponents to sign them and to authenticate them with their signatures. The Register, in such case, is to examine the witnesses in the presence of both parties or their Vakeels, who are to be at liberty to put any question to the witnesses that they may think proper; and the questions, with the answers to them, are in the same manner to be reduced into writing, signed, and authenticated: but if due notice be given to the parties or their Vakeels of the examination of any witness or witnesses before the Register, and he or they shall not attend at the time of the examination, the Register is to proceed in the examination as before directed, and the depositions are to be received as good and authentic evidence.

Sudder Adawlut to state their reasons on the record of the trial whenever they may exercise the power above vested in them.

Court empowered to hear their evidence, in the cases above specified, *vivâ voce*, or to order their Register to take it.

Cases in which the Sudder Adawlut may dispense with the oaths of witnesses, or direct their evidence to be taken by commission.

XV. The Sudder Adawlut may dispense with the oaths of the descriptions of witnesses which the inferior courts are authorized to exempt from taking oaths, on their signing, in open court, the declarations that are required to be subscribed by such witnesses in the said courts. Where witnesses may be women of the description specified in Section VI, Regulation IV. 1799, and the correspondent section of Regulation II. 1800, or shall reside out of the jurisdiction of the court, the court may grant such commission as the court at Surat are authorized to grant for the examination of such witnesses upon similar occasions.

Sudder Adawlut how to proceed where witnesses do not attend, or refuse to be sworn or to give evidence or sign their depositions, or are guilty of contempt of court or perjury.

XVI. If a witness, duly summoned, shall not attend, or attending shall refuse to be sworn or give evidence, or to subscribe his deposition; or if such witness, or any person, shall be guilty of wilful or corrupt perjury in a cause depending in the court, or any contempt of court in open court, the

the Sudder Adawlut is to proceed with such witness or person in the same manner as the inferior courts are authorized to deal with witnesses or persons in like manner offending.

Court to dismiss appeals if the appellants omit to proceed in them within six weeks without shewing sufficient cause for the omission.

Reasons for the dismission of the appeal to be recorded.

XVII. If the appellant, in an appeal filed in the Sudder Adawlut, shall not proceed in the appeal for six weeks, the appeal is to be dismissed, unless the appellant shall shew reasonable cause, to the satisfaction of the court, for not proceeding in it; and the court may, if they shall deem it equitable so to do, award to the respondent costs of suits: but, in all such cases, the court are to enter at large upon their proceedings the grounds upon which they may permit or refuse to allow the appellant to proceed.

No persons to be heard *vivâ voce* in any stage of cause, excepting principals, their witnesses, or Vakeels duly empowered.

XVIII. In such suits as by any Regulation may be authorized to be tried, in the first instance, before the Sudder Adawlut, and in appeals that may be heard by that court, no proceedings are to be held, nor any acts whatsoever done, either on behalf of the plaintiff or defendant, or the appellant or respondent, excepting by the plaintiff or defendant, the appellant or respondent respectively, or by a Vakeel duly authorized after his vakeelnamah shall have been filed in the court; and no persons, excepting such parties or their witnesses, or such Vakeel, shall be heard *vivâ voce* in any stage in the cause.

Sudder Adawlut empowered to order the inferior court to enforce decrees for sums of money against proprietors of land, by the same process as those courts may enforce such decrees passed by themselves.

XIX. The Sudder Adawlut are empowered, in every case in which a sum of money is decreed to be paid by an actual proprietor of land, to issue an order to the proper inferior court, to execute the decree in the same manner as the inferior courts are authorized to execute decrees by which a sum of money may be decreed to be paid by any of the descriptions of persons above-mentioned.

Petition of appeal from decisions founded on award of arbitration to be dismissed with costs.

Exception to the rule.

XX. If a petition of appeal shall be preferred against the decision of any inferior court founded on an award of arbitration, it is to be dismissed with costs, unless it be fully proved, to the satisfaction of the court, by the oaths of two creditable witnesses, that the arbitrators have been guilty of gross corruption or partiality in the cause in which they have made the award.

Court empowered to authorize the inferior courts to make occasional adjournments.

XXI. The Sudder Adawlut are empowered to permit the Judges of the inferior courts to adjourn their respective courts occasionally, for any period not exceeding one month, so that such adjournments collectively do not exceed two months in each year.

Sudder Adawlut how to proceed against persons who may resist their process.

Offender to be summoned to answer for his conduct.

Court how to proceed if the offender shall not obey the summons.

Decree to be passed if the offender shall not appear, or shall appear, and be proved guilty of the charge.

XXII. If any person shall resist, or cause to be resisted, any process, rule, order, or decree, which may at any time issue from the Sudder Adawlut, the court, on proof of the resistance being made by oath to their satisfaction, are to cause the offender to be summoned to answer to the charge. If the offender shall abscond, or shut himself up in his own or any house, or in any building, or retire to any place, so that he cannot be served with the summons, the court is to proceed against him in the manner directed with regard to other persons absconding, or otherwise acting as above specified, so that they cannot be served with the process of the court. If the offender shall not appear within the prescribed time, or if he shall appear and after receiving his answer to the charge, and hearing the evidence which he may produce in his defence, it shall be proved to the satisfaction of the

court that he is guilty of the charge, the court is to adjudge the offender to pay such fine to Government as they may think proper, in the same manner as already provided in respect to the inferior courts in Section XXI, Regulation IV. 1799, and the correspondent Section of Regulation II. 1800.

How the court is to enforce payment of the fine.

The court are to proceed to levy the amount by the same process by which they are empowered to carry their decrees for sums of money into execution.

Proceedings of the Sudder Adawlut how to be numbered, marked, dated, and signed.

XXIII. The petition of appeal, pleadings, depositions, and exhibits in the Sudder Adawlut, are to be numbered, marked, dated, and signed by the Register, in the same manner as the complaint, pleadings, and depositions, and exhibits, are ordered to be numbered, marked, dated, and signed by the Register in the inferior courts.

Decrees to be signed by the Judges and attested by the Register, and copies to be delivered to the parties.

The decrees are to be signed by the Judge present in the court when the decrees may be passed, and attested by the Register; and copies, so signed and attested, are to be delivered to the parties.

Inferior courts to furnish translates of papers in the country languages, which they may transmit to the Sudder Adawlut.

XXIV. The inferior courts are to furnish the Sudder Adawlut with translates of all papers, written in the country languages, which they may transmit to the court, whether relating to causes appealed or other matters.

Court how to act in cases for which no rule may exist.

XXV. In cases for which no specific rules may exist, the Sudder Adawlut is to act according to justice, equity, and good conscience.

A. D. 1800. REGULATION VIII.

A REGULATION *prescribing Rules for the Provision of the Company's Investment at Surat:* PASSED *by the Honourable the Governor of Bombay, under date the 20th of May* 1800, *whilst at Surat in the full Possession and exclusive Exercise of the entire Powers of the Bombay Government, as far as related to the said City and its Dependencies, and thereafter confirmed by the Governor in Council on the* 1st *of August* 1800 *(corresponding with the* 11*th Shravan Sood, Sumbut or Vekramajit Era,* 1857; *Salbahan,* 1722; *and* 9*th Rebya ul avul,* 1215 *Hejry).*

I. FOR the better management of the provision of the Company's investment at Surat, in preventing manufacturers, or other persons in their employ, from embezzling the money advanced to them, or disposing of the goods otherwise than in due pursuance of their engagements; and otherwise for affording the most effectual means of insuring justice to the manufacturers and others in their dealings with the Company and their officers, by prescribing the channel in which every person who may deem himself aggrieved by the official acts of their servants, whether originating with themselves or done in consequence of orders from the superior authorities, may be able to obtain redress, with the same facility as for an injury received from an individual, the following rules were passed.

No compulsion to be used in entering into engagements; but when made to be performed.

II. Weavers not indebted, nor under engagements to the Company, shall not be compelled to enter into their employ; and weavers indebted or under engagement

engagement to the Company, on duly discharging such debts or engagements, shall not be compelled to enter into fresh engagements.

Conditions under which such engagements are to be contracted.

III. Weavers or merchants, who may undertake for the provision of any part of the Company's investment, are to consider themselves as engaging under the following rules and conditions.

Engagements to be in writing and properly attested.

First. All engagements with the weavers are to be made in writing, attested by at least two creditable witnesses; one copy of the writing is to remain with the Commercial Resident or in his office, and the remaining copy with the other party to the engagement.

Manufacturers to give notice when they intend to discontinue their dealings with the Company.

Secondly. Weavers or merchants under engagements to the Company, and who may not intend to have further advances, shall give at least a fortnight's notice of their intention.

Engagements to be performed.

Thirdly. Weavers indebted to the Company, who have received advances from them or come under engagements to them, shall, in discharge of such debt, advances, or engagements, deliver cloths according to agreement. They shall, on no account, give to any person or persons whatever, European or native, either the labour or the produce engaged to the Company; and if they have not fulfilled their engagements by the period agreed on, they shall not work for more recently formed engagements, nor for bazar sales, until those engagements are completed.

Rule against manufacturers and others, committing frauds in the fabric or preparation of the cloths.

Fourthly. Any weaver, manufacturer, dyer, printer, or merchant, detected in using less than the proper quantity of the several materials or colour required for the cloths he has engaged to provide for the Company's investment, by the established custom of the manufacture, shall forfeit, on conviction before the Judge's Court, double the value of the defective article, in the first instance, and on repetition be subject to such further amercement as the Judge of the court may think proper to impose.

In the event of the weavers failing in their engagements, what degree of restraint may be used, with a reservation of ultimate prosecution in the court.

Fifthly. Where any weaver fails to deliver, by the stipulated periods, the cloths for which he may have engaged, the Commercial Resident shall be at liberty to place Peons upon him, in order to quicken his deliveries, and prevent his infringing the two restrictions in the latter part of the third clause of this section; besides which, such defaulting manufacturer or weaver shall remain liable to be ultimately prosecuted in the court, at the suit of the Commercial Resident, for breach of contract; the trial and decision on which, and the damages that may be awarded, to be guided by the same rules as in like suits between individuals.

Prosecution on breach of agreements.

Sixthly. If, notwithstanding the restrictions in the latter part of Clause third, any weaver shall, by himself or by any other person, sell cloths to private merchants, Europeans or natives, or to dealers or agents, of whatever description, whilst he is deficient in his stipulated deliveries on account of the Company's investment, he shall be liable to be prosecuted in the Judge's Court; and, upon proof of the fact, shall be adjudged to forfeit to the Company all that the produce of the cloths so sold, rated either at what he got for them or their bazar value, shall exceed the ordinary prime cost of the thread in them, with costs of suit besides, and moreover be still obliged to complete his engagements.

Penalty for misdisposing of goods made on advances.

Enhanced penalty, in such cases, on manufacturers possessing more than one loom.

Seventhly. Weavers or merchants possessed of more than one loom, and entertaining one or more workmen, shall be subject, by suit in the Adawlut

or

or Judge's Court, to a penalty of thirty-five per cent. on the stipulated price of every piece of cloth that they may fail to deliver according to the written agreement which they may have executed, in addition to the repayment of the money advanced for the same.

Register of the weavers in the Company's employ to be kept.

IV. A list or register of the weavers or merchants employed in the provision of the Company's investment, specifying the place of their abode, shall be fixed up in the office of the Commercial Resident, who is to register a copy thereof in the court of justice, and to cause such register to be kept constantly correct, by communicating to the Register of the court such alterations of names as may, from the discontinuance of some parties and the admission of others, prove requisite.

Clandestine traffic in cloths belonging to the Company forbidden.

V. Persons procuring from the weavers in the Company's employ, by the offer of ready money, or under pretence of previous engagements which were not avowed, cloths really wrought for the Company, and with their advances, knowing such cloths to be the right of the Company, either by the mark upon them or the transactions between the weavers from whom they procure them and the Company, or having reason for such knowledge from the notoriety of such weavers being in the Company's employ, or discovering the same by the clandestine methods they take to obtain the cloths, shall, on proof of the fact in the Adawlut, be subjected to such punishment, by fine to be awarded to the Company, as the nature of the offence may appear to deserve, and the cloths so obtained shall be restored to the Company. But, for purchases openly and fairly made in the public bazars, the buyers shall not be liable to prosecution, unless the cloths have the Company's mark upon them.

Not to extend to cloths purchased openly in the bazar. Exception.

Persons obstructing the progress of the Company's investment by the exertion of undue influence liable to prosecution.

VI. Any person detected in hindering the Commercial Resident or his officers from access to weavers or other persons, in order to treat with them about the Company's business, or in using any arts, menaces, or punishment, to deter weavers or other persons from accepting the Company's advances, shall be liable to be sued for damages.

Provisions and penalties against the embezzlements of native officers employed in the investment.

VII. Purvoes, Gomastahs, Metahs, and examiners, or any native servant and person, of whatever description, employed under the Company in the provision of their investment, guilty of changing the Company's cloths, accepting of money from individuals for abetting or conniving at the alienation of them by the weavers, writing false balances in the Company's account, embezzling otherwise the property intrusted to them, or exacting money in any shape from weavers to whom advances are made, shall, on conviction in the Judge's Court, forfeit the quadruple of the amount of the value of the property or the money which they may have embezzled, alienated, or exacted, and shall be further liable to imprisonment till they pay the same, and also for any further term that the court may judge proper, not exceeding four months; all which convictions are to be reported by the Judge to the Sudder Adawlut, within one week of their being made, whereupon the Governor in Council may, if it shall appear to him proper, declare the offender incapable of serving Government in any capacity.

Judgments under this section to be reported to the Sudder Adawlut; and parties thus convicted may be declared incapable of ever again serving the Company.

Construction as to the operation of the rules respecting

VIII. All the rules herein established regarding weavers and others employed in the provision of the Company's investment of piece goods, are

to

to be considered to extend, in their principles and meaning, to the manufacturers, dealers, and other persons concerned in the provision of cotton or any other article, the investment of which may be ordered by the Company.

weavers, affecting equally all the other parties employed in the investment.

IX. *First.* The Commercial Residents, and their native officers of every description, are declared liable to be sued by weavers, or any other persons, the objects of the present Regulation, with whom they may use compulsion to make them enter into the Company's employ, or whose names they may improperly insert in the list specified in Section III, or whom they may not pay for their cloths or goods, according to the engagements entered into between them and the Company, or who may not obtain, in due time, a fair settlement of accounts, or may suffer unjust exactions from Peons put over them, or for any breach of these Regulations.

Provision in favour of the natives who are the objects of the preceding section of this Regulation, to enable them to prosecute for redress when they think themselves aggrieved.

Second. In all such cases, whether the act complained of shall have been done by the Resident or any of his officers, the party aggrieved is, in the first instance, to state his complaint to the Resident; and, in the event of his refusing to afford the required redress, or omitting to grant it within a reasonable time, the complainant may, at his option, either sue the Resident (whether the injury complained of shall have been done by himself or by his officer) or the person or persons by whom he shall deem himself to be aggrieved, and the Court is thereon to have full jurisdiction in all such cases, and to proceed to try the merits of such complaints, and to decide thereon in like manner as if the suit or suits were between two individuals; and the Judge is also to report a summary of the proceedings, together with his decision on all such prosecutions, to the Sudder Adawlut, in whichever party's favour the suit may have terminated, which being merely intended for the information of the Government, is in no shape to stay the enforcement of the decree, unless an appeal should lie from it, and be preferred according to the Regulations.

Option given to the plaintiff to sue either the Resident or his officers for cause of alleged grievance against the latter only.

X. If a weaver, manufacturer, merchant, or any other person, or native, employed in the provision of the Company's investment, shall deem himself aggrieved by any act of the Commercial Resident, or any covenanted servant of the Company having the charge of the business of the investment, he may prosecute such party or parties in the Judge's Court; and the suit is to be received and tried on the same principles, and the proceedings and decision to be ultimately reported to the Sudder Adawlut, for the information of the Governor in Council, in like manner as is provided in the preceding section; except that, neither in the instances under this nor the preceding section, is the court to receive any suit that may be preferred against a Resident or any of his officers, unless the complainant shall prove to the satisfaction of the court, by oath, or by any other mode which the court may deem satisfactory, that he applied to the Resident for redress, and that he refused to afford the redress required, or omitted to grant it within a reasonable time. Either party dissatisfied with the award or decision of a Resident, on any complaint made to him under this section, may appeal from it to the Judge's Court.

The Commercial Resident and the other covenanted servants employed in the provision of the investment liable to be sued in the Judge's Court for their own acts.

Special conditions on which suits are to become cognizable in the Judge's Court against the Resident, for acts done either by himself or his officer.

XI. In suits instituted against a Resident or any of his officers, under the preceding section, and where the act complained of shall not have been

Resident and his officers to defend suits instituted against them

for a breach of the Regulations at their own risk.

done pursuant to special orders from the Governor in Council, the party complained against is to appoint a Vakeel to defend the suit at his own risk.

Residents may take upon themselves the defence of suits instituted against their officers.

XII. The Residents may take upon themselves the defence of any suits which may be instituted against their officers; but in such cases the Residents are to be answerable for the decree of the court, in the same manner as if the suit had been originally instituted against them.

Process issued against Residents, how to be served.

XIII. When any process shall be issued by the court to the Commercial Resident, the Judge or the Register of the court is to transmit it under a sealed cover, addressed to the Resident, in the form of a letter, and superscribed with his name and official appellation. The Resident is immediately to acknowledge the receipt of the process by an endorsement to that effect on the instrument, and to return it under a sealed cover addressed to the Judge or the Register of the court from which it may have issued.

By whom decrees, costs, and damages given against Residents and their officers are to be made good.

XIV. Where the Government shall approve of decisions given against the Commercial Residents or their officers, in suits in which they may have been engaged in their official capacity, and which may not have been prosecuted or defended by them pursuant to orders from the Governor in Council, they are empowered to make the Resident, or his officer by whom the act complained of may have been done, responsible for the whole or any part of the costs and damages awarded by the decree, or of the decree itself, if upon a consideration of the merits of the case, and of the conduct of the person against whom the decree may be given, or the act complained of may have been done, they shall be of opinion that the Company ought not to be charged with all or any part of such costs or damages, or decree. But, in such cases, the person whom they may so determine to hold responsible may appeal the cause at his own risk and cost, if the cause be appealable.

Government may authorize an appeal from any decision passed against the Resident or his officers.

XV. If the Government shall be dissatisfied with a decree passed against a Commercial Resident or any of his officers, in suits in which they may have been engaged, either with or without the orders of the Governor in Council, they may authorize an appeal from it under the Regulations.

Security not to be demanded from Residents or their head officers for their appearance, or costs or damages or decrees.

XVI. Security is not to be demanded from the Commercial Residents or their head officers for their personal appearance in any suit in which they may be engaged in their official capacity; nor shall security be required from them for the payment of costs or damages, or for the performance of the decrees or orders of the courts, as Government will be responsible for causing the Residents to answer to such suits instituted against them, and to make good the decrees, and will hold them responsible for their head officers answering to such suits preferred against them, and performing the decrees that may be passed therein.

Residents and their head officers not liable to prosecution for the acts of their predecessors.

What suits they are bound to defend after removal from office.

XVII. The Residents and their head officers shall not be liable to prosecution for official acts of their predecessors: but persons who may be removed from a residency, or from the place of head officer, are to carry on, in the same manner as if they had continued in the office, all suits instituted against them in their official capacity, unless the Government, upon a consideration of the circumstances of the cases, shall deem it advisable to order their

their successors to carry on the suits. This rule, however, is not to extend to suits in which a Resident or head officer, who may have been removed, shall have been engaged in virtue of orders from the Governor in Council. All such suits are to be carried on by the Resident for the time being, and at the risk and expense of Government.

Residents and their head officers not to derive any advantage from suits.

XVIII. Neither the Commercial Residents nor their head officers are to derive any advantage whatever from suits in the courts of justice in which they may be engaged, or in any wise concerned in their official capacity. On the other hand, it is not intended that the Residents or their above-mentioned officers should sustain any loss in consequence of such suits, where their conduct may be adjudged to be conformable to the Regulations or may be approved by the Governor in Council. The Commercial Residents and their head officers are accordingly to bring to the credit of the Company, in their accounts, all sums whatever that may be adjudged to them by the court of justice, and they are to note at the foot of their accounts, or in a separate account, or under a distinct head in their accounts, according as Government may direct, all sums which they may disburse or be adjudged to pay, on account of suits in which they may be engaged or be concerned in their official capacity; but no such disbursements or payments are to be considered as passed to the debit of the Company, until the previous sanction of the Governor in Council shall have been obtained for that purpose, and until such sanction is procured the Resident or the officers making the disbursements are to be held answerable for the amount.

Nor to sustain any loss if their conduct be approved.

Sums disbursed by Residents and their head officers not to be carried to the debit of the Company without orders from the superior authorities.

Rules regarding Commercial Residents applicable to their assistants or other servants entrusted with the business.

XIX. The rules in this Regulation respecting Commercial Residents are to be considered equally applicable to their Assistants having the charge of the business, or to any other person, being a covenanted servant of the Company and entrusted with the superintendence of the provision of goods for the Company's investment, whatever may be his official apellation.

Natives aggrieved under this Regulation by special orders of the Governor in Council, how to obtain redress.

XX. If a weaver or manufacturer, or any native employed in the provision of the Company's investment, shall deem himself aggrieved by any act done in opposition to this Regulation by a Commercial Resident, or any covenanted servant of the Company having the charge of the business pursuant to special orders from the Governor in Council, he will be at liberty to seek redress in the mode prescribed for such cases in Section X, Regulation I. 1800.

Transactions between private traders and weavers cognizable in the civil court, the Judge of which is to decide according to the case and the Regulations.

XXI. All complaints of weavers against individual traders, and *vice versâ*, are to be considered as matters of a private nature between the parties, who are to have recourse to the proper courts of judicature, should they have any ground of complaint against each other for breach of engagements or other cause. The courts are to decide according to the tenour of the engagements between the parties, if any engagements exist, and the Regulations. But where weavers are employed at the same time by more than one foreign or private agent, they shall deliver first to the previous contractor, and afterwards to the others, according to priority of engagements.

Rule as to the priority of engagement to be attended to in the Judge's decision.

XXII. Decisions in favour of foreign or private agents or other individuals, against weavers who were in the employ of the Company at the time they

Decisions in favour of private traders, against weavers, previously in the employ of the Company, to be

made with a saving of their claims, which are to be first satisfied, provided they be proved.

they entered with such private merchants or individuals into the agreements on which they are sued (their having been so employed being proved, by the lists of the Company's weavers published and transmitted to the Judge, as directed in Section IV, as well as by the dates of the respective agreements and transactions consequent to them), shall be made with a saving to the Company of their claims on such weavers, which claims also are to be proved in court. And that this rule may be carried into effect before execution follows at the suit of an individual against any weaver in that list, the Company's Commercial Resident shall be desired to state whether such weaver was in the employ of the Company when the agreement on which he may be cast was made, as also whether the Company have any, and what demand upon him, and to make proof of the same; which being satisfied or secured, the sum decreed against him, in favour of the individual, shall next be made good from his property, but his person shall not be liable to attachment.

A. D. 1800. REGULATION IX.

A REGULATION *for the Collection of the Customs at the Port of Surat:* PASSED *by the Honourable the Governor of Bombay, under Date the* 18*th of June* 1800, *whilst at Surat in the full Possession and exclusive Exercise of the entire Powers of the Bombay Government, as far as related to the said City and and its Dependencies, and thereafter confirmed by the Governor in Council on the* 1*st of August* 1800 *(corresponding with the* 11*th Shravan Sood, Sambut or Vekramajit Era,* 1857; *Salbahan,* 1722; *and* 9*th Rebya ul avul,* 1215 *Hejry).*

Preamble, reciting the origin of, and distinction between the several custom-houses at Surat.

I. PREVIOUS to the acquisition of the castle and charge of the Moghul's fleet by the East-India Company, in 1759, they collected duties at a place called the Latty, from those trading at the port of Surat under their protection; in consideration for which privilege they appear to have paid a fixed paishkush to the Nabob's, or Native Government.

Former rates of duty in the Latty.

The duties thus levied consisted in one general rate of four per cent., together with one per cent. additional duty, originally imposed in part indemnification for certain war charges incurred before the acquisition of the castle and fleet, during the chiefship of Mr. Lambe, and one per cent. convoy duty, making in all six per cent. on imports and exports, but never charged on both. The valuations in this department were to be made at ten per cent. under the market price; except on cotton, which was fixed annually by special order from Bombay.

The duty on cotton an exception to that rule.

Second. Anterior to the English East-India Company having any share in the local administration of the Surat Government, the rates of customs collected by the Native Government were as under:

Mohammedans	$2\frac{1}{2}$ per cent.
Armenians and Jews	$3\frac{1}{2}$ do.
Hindoos	5 do.

On the 7th of Sefer, 1160 of the Hejry, or 7th February 1747, Teigh Beg Khan's ekotra was first levied; when,

Mohamme-

	Customs.	Teigh Beg Khan's Ekotra.	Total.
Mohammedans (with a few exceptions of persons who did not pay this last-mentioned impost) paid.....	$2\frac{1}{2}$	1	$3\frac{1}{2}$ per cent.
Armenians	$3\frac{1}{2}$	0	$3\frac{1}{2}$ do.
Hindoos	5	1	6 do.

Agreeably to these rates the customs continued to be collected until the 3d of Moherrem 1164, or 22d November 1750, when a second ekotra was laid on towards raising the two lack of rupees agreed to be paid the Company on account of the charges of the war in Mr. Lambe's time.

	Customs.	Teigh Beg Khan's Ekotra.	War Ekotra.	Total.
Mohammedans then paid (a few persons excepted who never paid either of the ekotras).....	$2\frac{1}{2}$	1	1	$4\frac{1}{2}$ per cent.
Armenians	$3\frac{1}{2}$	0	0	$3\frac{1}{2}$ do.
Hindoos	5	1	1	7 do.

The two lack of rupees to the Company being discharged, the ekotra on this account was taken off in the month of Zelkadeh 1171, or July 1758, and the rates of the customs were again reduced.

	Customs.	Teigh Beg Khan's Ekotra.	Total.
Mohammedans (with exceptions as before)	$2\frac{1}{2}$	1	$3\frac{1}{2}$ per cent.
Armenians and Jews.....	$3\frac{1}{2}$	0	$3\frac{1}{2}$ do.
Hindoos	5	1	6 do.

On the 15th Rejeb 1172, or 14th March 1759, in consequence of the capture of the castle by the English, the war ekotra was again levied to defray the Company's charges of the expedition, when

	Customs	Teigh Beg Khan's Ekotra.	War Ekotra.	Total.
Mohammedans paid (with exceptions as before, as to the payment of Teigh Beg Khan's ekotra, but every body was obliged to pay the war ekotra of this period)	$2\frac{1}{2}$	1	1	$4\frac{1}{2}$ per cent.
Armenians and Jews.....	$3\frac{1}{2}$	0	1	$4\frac{1}{2}$ do.
Hindoos	5	1	1	7 do.

The customs collected at this time were divided as under-mentioned.

The Mogul Government and the Marhattas or Paishwa's and Guicowar's Chowteas received two-thirds of three and a half per cent. from the Mohammedans, of three and a half per cent. from the Armenians, and of six per cent. from the Hindoos. The Company received, in right of the command of the Moghul's fleet, to which they had succeeded at the same time as that of the castle, one-third of three and a half per cent. from the Mohammedans, one-third of three and a half per cent. from the Armenians and Jews, and one-third of six per cent. from the Hindoos, besides the whole of the ekotra on account of war charges from each sect respectively.

The 18th Jemady Ussany 1176, or 4th January 1763, the rates of the customs were again altered, *viz.*

	Customs.	Teigh Beg Khan's Ekotra.	War. Ekotra.	Total.
Mohammedans (exceptions as to the payment of Teigh Beg Khan's ekotra as before)	$3\frac{1}{2}$	1	1	$5\frac{1}{2}$ per cent.
Armenians and Jews	$3\frac{1}{2}$	0	1	$4\frac{1}{2}$ do.
Hindoos	4	1	1	6 do.

The division of the customs continued as above; with this difference, that more was received from the Mohammedans and less from the Hindoos.

Third. Till the year 1766, it appears that the passing of goods in this department had been entrusted to the native Derogha; but in the month of May of the last-mentioned year it was ordered that no goods should be exported without the pass of the English Phoorza-master, nor imported without a translate of the bhurteah, or manifest, being signed by him; and as goods were discharged from the Phoorza, the Nabob's or Native Government, and sometimes the Marhattas, in view to their claim of chowte, had people to see that no more was exported than the quantity expressed in the bhurteahs; and as, when country vessels imported, Sepoys were sent from the Phoorza, who accompanied the goods to town, to prevent their being landed or shipped elsewhere, it was on the same occasion ordained that proper people should be employed also for these purposes on behalf of the Company. On this system the French, Dutch, and Portuguese, trading under firmaun privileges, were not subject to the khooshkee customs on their trade with Surat, by sea or land, but all natives were; so that, according to the original system, a Latty merchant, or dependant on the English Company's Government, after paying to them the duty on his goods imported by sea, or a Moghul subject to the Native Government's Phoorza, had each of them again, similarly, to account for the khooshkee duty, on carrying their goods into the interior country; but from the example of the Latty department in exacting its duty only once, the double duties thus payable at the phoorza and khooshkee appear to have, within these last eight or ten years, fallen much into disuse, or been, in fact, for the greater part evaded, by, for instance, the importers, through the Phoorza, re-exporting their goods by sea, and landing them at a convenient port, either up or down the coast, according to their ultimate destination: and, in like manner, although upon *importations* by land they had equally to pay, in the first instance, not only the khooshkee duty but again that of the Phoorza or Latty (according as the importers were esteemed Moghul subjects or English dependants) on the same goods when exported by sea; yet, agreeably to established usage, piece goods for exportation have been exempt from the khooshkee import duty, which constitutes by far the principal article in that branch of the customs. In the imports from the interior districts there was also another class of exemptions, under what were called Moghul dakhillas or country certificates, which were subject only to the two ekotras to the Company and the Nawaub, that have been above specified, besides Bengal certificate goods, as hereafter noticed.

Regulations of 1766 for the Phoorza department.

The khooshkee receipt of customs did not extend to the European nations with firmaun privileges.

But affected all other traders, who avoided, however, in general, the payment of duties at both, and in what manner.

Particular rule as to piece-goods,

and

in respect to Moghul-aye-dakhillas,

and

Bengal certificate goods.

Fourth. Under this system, a competition taking place between the Latty and Phoorza departments, as to what goods should pass through either, it was ordered, in the year 1789, that those only of merchants under the English

Rule of distinction between the Latty and Phoorza custom-houses.

English protection should resort to the former, and no imports by foreign vessels were to make their entries at the English custom-house; whilst, farther to gratify the Nabob, the article of Bengal raw silk had been admitted to be imported through the khooshkee, and thereby kept subject to certain fees, or bâllâee usually exacted on Bengal certificate goods, in consequence of the Supreme Government having directed, in August 1791, that all customs should, from the 1st of October following, be abolished, upon imports from the Company's territories on that side of India.

Exception as to Bengal raw silk.

General abolition of duties on Bengal goods.

Fifth, These arrangements continued generally in force till the year 1795, when orders were received from the Court of Directors to fix the export and import duties at the port of Bombay at two and a half per cent.; the intent of which instruction being construed to extend to Surat, gave rise to various discussions on the expediency of a consequent reduction in the Latty or Phoorza rates.

Orders to reduce all the duties to two and a half per cent.

Sixth. Upon the whole, the Supreme Government inclined to a modification of the customs at Surat, and suggested that they might, as well at the Latty as the Phoorza, be fixed at four and a half per cent.; but it was nevertheless ultimately determined to reduce them at both places to two and a half, which took place generally at all the custom-houses in Surat in the beginning of June 1795.

Difference thereby induced to the Company, the Nawaub, and the Marhattas.

Seventh. On that occasion, in lieu of the two abolished ekotras of the Company and of Teigh Beg Khan, which had hitherto been levied on the Moghul dakhilla or certificate goods, exempted from other duties, those concerned in that branch of trade voluntarily tendered to the Nabob a duty of three-quarters per cent., which has since been admitted to operate. The merchandize under this denomination consisting of dooties, and other articles from Cambay, and Ahmedabad, and Goga, and of silk pattolies, &c. from Puttun, and of other piece-goods from Burhanpoor and Shaugur, and on cotton-yarn from Khandeish, and of cotton and various other fabrics from Broach.

Substituted duty on the goods under Moghullaye dakhillas.

Eighth. Nor have the other general duties been in fact reduced to the net amount of two and a half per cent. to the merchants, as in each of the departments the collecting European and native officers have continued to enjoy fees and allowances under various denominations, levied either in a rateable proportion to the principal duty, or by some other rule or estimate, thereby constituting a further item of charge in the merchant's payments, which have, for instance in the khooshkee, by these means, joined to the hoonda and dustoor, hitherto collected on account of the Nawaub, risen to between three and four per cent.; besides which, the latter continued, in the same department, to collect a separate fee on all certificate goods imported from the interior, whilst in the Phoorza he levied eighty rupees per bale on Bengal silk goods, similarly exempted from the ordinary custom-house duty.

Farther fees and allowances to the Collectors and native servants,

and to the Nawaub.

Ninth. The Supreme Government did not at the time approve, nor have since extended their sanction to these reductions, and has recently been pleased to signify, that although certificate goods from the other presidencies or Bombay, the exportation of which it may be an object to encourage, may be admitted to pass free under the subsisting regulations; yet all other imports to, and all exports from Surat, may be subjected to the former or other modified rates of duties, at the same time that an additional duty of one

Supreme Government's instructions for limiting the entries of goods under certificates,

and additional duty imposed for the increased expense of the Marine department.

one per cent. has been ordered to be levied for Marine charges, and has accordingly taken place at the Latty since April last.

Grounds for the establishment of a new system of custom-house regulations.

Tenth. Those instructions, and the change that has taken place in the interior administration of Surat, whereby all the rights, prerogatives, and functions of the Nabob's Government have devolved by treaty to the English East-India Company, rendering a new code of custom-house regulations necessary, the following rules are enacted for this purpose.

Latty, Phoorza, and Kooshkee departments.

I. The Latty, Phoorza, and Khooshkee departments shall be under the charge of one Custom-master, with one or more assistants.

Oath to be taken by the Custom-master.

II. The Custom-master shall, previous to entering on his office, take the following oath:

"I, A. B., solemnly swear, that I will diligently and faithfully execute the "office of Collector of the Government customs at Surat; that I will not "directly or indirectly be concerned, or knowingly allow any other person "to be concerned, in making any collections, but such as are authorized by "and brought to the credit of Government; that I will not directly or indi- "rectly accept, nor knowingly allow any other person to accept, any fee, "present, gratuity, or reward, on account of the execution of the duties of, "or any matter relating to my office; that I will not be concerned, directly "or indirectly, in the purchase of any goods or commodities in the British "dominions, for the purpose of remitting money to Europe, nor in any com- "mercial transactions; that I will not, directly or indirectly, derive any "advantage or emolument from my station, excepting such as the orders "of Government do or may authorize me to receive: So help me God."

Seal to be used by the Custom-master.

III. The Custom-master is to use a circular seal of one inch and a half in diameter, bearing an inscription in the Persian and Guzerattee characters and language: "the seal of the custom-house of the port of Surat."

Native establishments for each of the three departments.

IV. Under the Collector of the Customs there are to be separate Mushreffs or accountants, and Tehvildars or cash-keepers, for the Latty, Phoorza, and Khooshkee, together with moderate establishments of native officers for each, who are to be paid by fixed salaries, without any other fee or allowance whatsoever.

General means for ascertaining what goods shall pass through each department.

V. To ascertain and distinguish between goods that should pass through the Latty, or Phoorza and Khooshkee departments, all merchants, Marfutteahs, and others, applying to pass their goods at either of the Latty, Phoorza or Khooshkee custom-houses, shall, at the same time, enter into a mochulka, or penal obligation, to pay a fine of ten per cent. on the value of their goods thus passed, in case they shall afterwards, either from the property in the merchandize or the description of the owner, be detected in having applied in the wrong channel; and, as an additional precaution, it is ordered that no goods be exported or imported under borrowed names, but that the real owner, as well as Marfutteah or agent, be always specified.

Hours of business.

VI. The custom-houses to be opened for the transaction of business every day, Sunday excepted, from nine o'clock in the morning until three in the afternoon.

VII. *First.*

VII. *First.* The following are the rules prescribed for the collection of the duties on imports by sea.

Rules for the collection of Surat customs on imports by sea.

Second. With respect to the ships, vessels, and commerce of those European nations possessing firmaūns from the Great Moghul, the same rules, precautions, and observances are to be followed in the department of the Phoorza as have hitherto obtained, as well in respect to their European as Indian commerce, adhering to the established practice in regard to each branch, the Collector being attentive to report to Government, and to propose the correction of any abuse that experience may shew to exist therein.

In respect to foreign European nations trading under firmaun[illegible]

Third. A Tide-waiter, native or European, from the custom-house, is to go on board of every trading ship or vessel that may come to anchor at the bar of Surat, and enter in a book her name, the nation to which she may belong, the name of her commander, from what port she may have last sailed, and every other particular concerning her, of which copies are monthly to be forwarded to the Governor in Council; nor are any goods or articles to be thence disembarked without the pass-note of such Tide-waiter, and his reporting the same to the Custom-master.

A tide-waiter to go on board trading vessels anchoring at the Bar of Surat and to enter all particulars concerning them in a book.

Fourth. Goods transhipped at the bar or in the river of Surat, or sent thence to any other port or place without being brought within the city of Surat, to be subject to the same duties as if they had entered within the walls, and invariably to confiscation if clandestinely attempted, in the manner hereafter specified.

Of transhipments and their consequences.

VIII. *First.* The manner of laying the duties upon imports by sea shall be by the owner, commander, master, or supercargo, or other person or persons having goods on board of the ship, grab, dow, vessel, or boat, delivering in a manifest to the custom-house of his cargo (accompanied by the exhibition, as far as the case may admit, of the original invoices in corroboration thereof), and landing his goods, and paying the duties according to the same, after the Custom-master shall have taken and lodged a copy of the manifest in his office, and caused his official seal to be impressed upon the back of the original, which is then to be restored to the party producing it: and if any articles in the said manifest shall be deemed to be under-rated, it shall be the duty of the Custom-master to enter into a full inquiry thereon; when, if he find such under-valuation to have arisen from any fraudulent intention in the party or parties exhibiting the same, he is to order the duty to be levied on double the amount of what he shall esteem and award to be the proper valuation at the place whence the import is made, leaving to the party to appeal thereon to the Governor in Council if he shall think fit, which must be done by letter, to be forwarded open, within three days after the award, and through the Custom-master, who will accompany it with such remarks as occur to him thereon.

Manner of levying the duties on imports by sea.

Penalty of double duties for parties undervaluing their goods, and appeal thereon how to be preferred.

Second. In case of any goods being attempted to be landed or transhipped, or conveyed away, the amount of which shall not have been previously exhibited in the manifest, such goods shall, being first stopped, be in like manner reported to the Custom-master, who, after having taken the party's answer, and made other satisfactory and adequate inquiry, is, if the attempt secretly or clandestinely to land such goods shall appear to him to be fraudulent, to adjudge the same to be confiscated and sold at public auction; but,

Of confiscation for secreting and attempting to smuggle them.

in this last case, an appeal shall lie to the Governor in Council of Bombay, if such appeal be given notice of to, and preferred through the Custom-master, within three days after the decision being passed, in like manner as above provided for in the instance of under-valuations.

Moiety of such penalties and forfeitures to be assigned to the native officers of the customs.

IX. *First.* And for the greater encouragement of the native officers in the custom-house department to be vigilant in their duty, it is hereby provided, that in all cases where, by reason of an under-valuation in the manifest, double duties shall be decreed to be levied, or where goods shall be confiscated in consequence of their owners being detected in the attempt to smuggle them, as above noticed, half of the amount of the said double valuation duty, or half of the produce of such confiscated goods, shall go to, and be equally divided between the aforesaid officers of the custom-house station, where such attempt at under-valuation, or such act of smuggling was detected, and the native officer or officers, being the searcher, or other person or persons belonging to and dependent on such custom-house station, who were the immediate agents in the detection of the said fraud or frauds.

Such penalties and forfeitures how to be divided.

Second. The said moiety of such penalties and forfeitures to be apportioned as follows:

One-half to the Mushrif.....	in the case of under-valuations.
One-half to the Tehvildar	
One-eighth to the Mushrif.....	in the case of confiscations.
One-eighth to the Tehvildar	
Three-fourths to the party or parties who immediately effected the seizure.....	

Third. The other half of such penalties and confiscations to be applied to the use of Government, and entered under a separate head in the Collector of the Customs' monthly accounts.

Duties how to be levied on imports by sea, where the manifest is not produced.

X. *First.* In all cases where the value of the goods cannot be ascertained by the exhibition of the manifest (as may happen in the coasting boat trade or otherwise) the duty to be levied in manner following:

Duty how to be levied in cases where the manifest does not ascertain the value of the goods.

Second. The owner or agent of the goods to deliver in a written derkhaust, or application, under his signature, specifying the quantity and description of the goods, with the place whence imported and the invoice prices thereof, producing at the same time the bheejuk, or original invoice, in proof of the accuracy thereof; after comparing which with the derkhaust or application, and finding them to correspond, the Custom-master is to countersign the derkhaust in question, and having caused his seal to be impressed upon the back of the original invoice, and deposited a copy thereof, together with the signed derkhaust from the party in his office, he is, after receiving the amount of the duty, to be calculated on the price mentioned in the invoice, to pass the contents in the usual form, subject always to the same penalties and forfeitures for under-valuation or fraudulent disembarkation, as are specified in Section VIII, and with the like encouragement to the custom-house officers to be vigilant in the detection thereof as provided for in Section IX.

Duty in certain cases to be levied by appraising the goods at the Surat price.

Third. In all cases in which the Custom-master may be satisfied that it is not in the power of the party presenting the derkhaust to specify therein the invoice price, he is to dispense therewith, and require only a descriptive enumeration

enumeration of the articles, the duty on which must be levied by appraisement at the current prices in the city of Surat.

XI. Parcels for gentlemen, native or European, and necessaries, are to be passed at the discretion of the Custom-master; and the duties on ships' manifests finally settled by him, without any reference.

Certain packages to be passed at the discretion of the Custom-master, and duties on ships' manifests to be settled by him without reference.

XII. *First.* The rate of duty to be collected at the Latty, Phoorza, and Khooshkee custom-houses (if passing through the latter) to be four per cent. on the Surat price of all foreign goods imported by sea, in ships sailing with, or being the property of persons residing or navigating under the protection of the English East-India Company, without any deduction or superaddition for fees or otherwise; together with the one per cent. in the Latty on account of Marine charges, noticed in clause ninth of the preamble to this Regulation; and in the Phoorza and Khooshkee, with the Company's ekotra (instead of the aforesaid one per cent. for Marine charges) that has been already adverted to in its first clause.

Duty of four per cent. to be levied on the valuation of all imports by sea by ships and persons under the British protection, with one per cent. for Marine charges to be levied at the Latty, and the Company's former exclusive ekotra at the Phoorza and Khooshkee.

Second. The extra one per cent. in the Latty, and the ekotra in the Phoorza and Khooshkee, are to be separately collected by the Custom-master from the general duty of four per cent. above described.

Marine charge and ekotra rate of duty to be separately collected.

Third. All merchandize imported in ships not sailing with, or not being the property of persons residing or navigating under the protection of the English East-India Company, and of which the manifests shall be exhibited, is to be subject to the same duties as are specified in clause first of this section, together with an established advance thereon, regulated as follows; from which advance goods from Bussorah, Mocha, Judda, &c. ports in the Gulph of Persia and Arabia, are to be exempted, and also all goods which, from the manifests not being exhibited, must be regulated by the provision in Clause third, Section X.

Advance on the amount of the manifests on which the duty on imports by sea is to be charged.

Exceptions.

Cargoes by foreign European ships (not included under Section VII, Clause second) on an advance of	60	per cent.
Ditto from Bengal	15	do.
Ditto from the coasts of Africa and Coromandel, and from Malacca, Acheen, and Siam and Pegu	15	do.
Ditto from Ceylon	12	do.
Ditto from China	20	do.
Ditto from this coast, between the Indus and Cape Comorin	10	do.

XIII. *First.* Certificate goods from Bengal, and all other ports of the British dominions in India, not subordinate to the presidency of Bombay, and goods certified to have already paid duty at any place or port subordinate to the presidency of Bombay, to enjoy the established exemptions at Surat, under the following qualifications as to the former.

Rules as to English certificate goods.

Second. Goods imported under certificates from Bengal or Coromandel, or Sumatra, or Prince of Wales' Island, to be liable to an import duty of two and a half per cent., the amount of which is to be restored by an equivalent drawback, whenever re-exported by land or by sea.

Third. Neither Cochin, nor Ceylon, nor Canara, are comprehended, for the present, within the sense of the two preceding classes, but are, till further orders,

orders, to be considered, as far as regards the customs, in the light of foreign dependencies.

Moghullaye dakhillas.

XIV. No exemption whatever to be allowed to goods imported by land or sea under Moghullaye dakhillas, or from the custom-house at Bownaghur.

Rule as to baftahs and white dooties imported for re-exportation.

XV. In conformity to the usage adverted to in the Clause second of the preamble to this Regulation, piece goods consisting of baftahs and white dooties, imported by land or sea for re-exportation, are to be subject to the payment of the import duty only, unless dyed, chintzed, or otherwise altered within the town, in which case they are to pay an additional duty of one eighth per cent. on exportation.

The Boat-master not to grant a pilot to any vessel until a certificate of the payment of the duties is produced to him.

XVI. The Boat-master is not to grant a pilot to any vessel until a certificate shall be produced to him from the Custom-master, of the import and export duty on her trade having been duly paid.

Pilot to report what goods are received on board after the port clearance has been received.

XVII. The pilot of every vessel which may have received her clearance, shall be ordered by the Boat-master to report to the Custom-master, if any and what goods are received on board in the river, after the receipt of such clearance, and to endorse the same on the back of the clearance.

Custom-master to grant receipts for goods lodged in the custom-house, and to be responsible for the delivery of them.

XVIII. The Custom-master is to grant receipts, on application being made for them, for all goods landed from ships and lodged in the custom-house. The Custom-master shall be held responsible for delivering from the custom-house all goods for which receipts shall have been so granted. Should the

Custom-master not responsible for goods for which receipts may not be taken.

captains, officers, or passengers omit to take such receipts upon their goods being landed, and lodged as above-mentioned, they are not to be entitled to an indemnification for any part of them which may be lost in passing through the custom-house.

Form of the register of duties collected on imports by sea.

XIX. All duties collected on imports by sea are to be entered in a book to be kept in the following form:

Surat, Register of Customs collected on Imports in July 1800.

1800.	Numbers and Nature of the Packages.	Vessels, Boats, or Carts.	From whence imported.	Vessels under what Colours.	Merchants' Names.	Quality of Goods.	Quantity of Goods.	Amount of Valuation on which Goods have been levied.	Rate of Duties.	Amount of the Customs.

Ready money to be required in the payment of the duties; except that credit may be allowed for those on goods imported on ships from beyond sea.

XX. Ready money only is to be received from merchants in payment of the duties; except that a credit of from three to six months may be allowed for the duty on goods imported from beyond sea, to such persons as shall deposit sufficient security for the payment of the amount when it may become due; the amount of which outstanding and secured duty the Collector is carefully to note at the bottom of each of his cash accounts, which he is to send monthly to the presidency.

Rate of duty on cotton to be annually fixed.

XXI. The duty on cotton is an exception from the general rate of customs, as settled in Section XII, and is to be fixed annually according to established

established practice, both as to rate and valuation, in the manner recited in the first article of the preamble.

Duties how to be levied on imports by land.

XXII. On all other imports by land the duty is to be collected at the rates specified in Section XII, and in the manner recited in Clauses second and third, Section X.

Unnecessary delay to be avoided in the passing of goods, and bills to be given for the duties.

XXIII. All goods shall be passed at the custom-house with the least possible delay, and official bills, signed by the Custom-master, shall be given on all imports and exports of whatever description.

Duties on imports by land to be entered in a book.

XXIV. When the duties on imports by land shall have been received, they are to be entered in a book, to be denominated the Register of Duties collected on Inland Imports, and kept in the following form:

Surat, Register of Customs collected on Inland Imports in July 1800.

1800.	Number and Nature of Packages.	Carts or Oxen.	From whence imported.	Merchants' Names.	Quality of Goods.	Quantity of Goods.	Amount of Invoices.	Rate of Duties.	Amount of Customs.

Register of exports of imported goods.

XXV. A third monthly register is to be kept of exports of imported goods, in the following form:

Surat, Register of Customs collected on Exports of Imported Goods.

1800.	Number and Nature of Packages.	Boats or Vessels.	Carts or Oxen.	Where exported to.	Merchants' Names.	Quality of Goods.	Quantity of Goods.	Amount of Invoices.	Amount of Customs.

Register of exports of Surat goods and manufacture.

XXVI. A fourth register to be similarly kept, under the same form as above, of exports from Surat of Surat goods and manufacture, distinct from goods imported.

Copies to be sent monthly to the presidency.

XXVII. Copies of those four registers to be invariably dispatched to the Governor in Council on or before the tenth of each ensuing month.

Goods attempted to be passed without landing at the Custom-house liable to confiscation.

XXVIII. The Custom-master and his officers are required to bring to the custom-house all boats attempting to pass the town without landing; and should any goods be found on board, they shall be liable to confiscation, in the manner directed in Clause second, Section X.

Tolauts or weighmen, or appraisers, or any other servants, to be licensed by the Custom-master.

XXIX. No Tolauts, or weighmen, or appraisers, nor any other servants whatever, to be employed in the duties of the custom-house, excepting such as are furnished with a certificate from the Custom-master.

Rule respecting special exemptions of duties.

XXX. In cases in which Government may deem it proper to grant exemptions from duties to individuals, the Custom-master will be furnished with special orders regarding such exemptions.

A. D. 1800. REGULATION X.

A REGULATION *for the better Management and Collection of the Revenue of the Tobacco Farm:* PASSED *by the Governor in Council on the 27th May* 1800 *(corresponding with the 4th Jeyst Sood, Sumbut or Vekramajit Era,* 1857; *Salbahan,* 1722; *and 2d Mohurrum,* 1215 *Hejry).*

Preamble.

I. WHEREAS the United East-India Company have for a long time past derived a public revenue from the tax imposed on the sale of tobacco, snuff, and ganja, for the use and consumption of the inhabitants of this presidency; and it has been the usage of the Government of this island, from the earliest times, to let the said revenue to farm, and sundry rules and orders have been established from time to time, by authority of the Governor in Council, for the management of the farm of the said revenue, and it being deemed expedient to continue the practice of farming the said revenue, it is intended to renew the farm thereof for a term of three years from the expiration of the now subsisting grant, which will be on the first day of June next; and the several rules and orders, heretofore prescribed for securing to the farmer the exclusive vend of the aforesaid drugs, with the modification which they are found to require, are now enacted into a Regulation, to be in force throughout this island, and the islands called Coolaba and Old Woman's Island, from the first day of June next.

Importation of tobacco, country snuff, and ganja into this island, prohibited, without license from the farmer, on penalty of forfeiture and confiscation.

II. No tobacco (other than European and American manufactured tobacco), tobacco stalks, country snuff, or ganja, shall be imported or brought into this island, or the islands called Coolaba and Old Woman's Island, or within any ports, bunders, or landing places of any or either of the said islands, without a license or permit from the farmer of the revenue called the tobacco farm, in writing, under his hand or the hand of some known agent to him; and all tobacco (other than as aforesaid), tobacco stalks, country snuff, and ganja, so imported and brought without such license or permit from the farmer, shall be forfeited and confiscated to the use of the said Company, and the proprietors or importers thereof, or any persons in whose custody the same shall be seized or found, shall be subject to the following fines, viz.

Tobacco and stalks, on every Bombay maund.....	50	rupees
and in proportion for any lesser quantity.		
Snuff, per pound.....	5	do.
Ganja do.	5	do.

Vessels coming into the harbour with tobacco, &c. on board, to enter the same at the custom-house, unless they depart within twenty-four hours.

III. All tobacco, tobacco stalks, snuff, and ganja, imported or brought into the harbour of Bombay, or the river of Mahim, or into any other of the rivers or waters of this presidency, in any vessel or boat whose burthen does not exceed five hundred candies, which shall come within the anchorage of any of the ports or bunders of these islands, and shall not proceed on her voyage or depart within twenty-four hours (unless detained by stress of weather) shall, immediately after the expiration of twenty-four hours from such vessel coming within the anchorage of any of the said ports or bunders, be reported to the Custom-master of Bombay or Mahim, respectively, for entry

entry to be made thereof in the books of the custom-house; in default whereof, all such tobacco, tobacco stalks, snuff, and ganja, together with the casks and other packages thereof, and all such vessels or boats in which the same shall be so imported, or in which any unpermitted tobacco, snuff, or ganja, shall be found, after the vessel or boat has been in port for twenty-four hours without entering the same as aforesaid, shall be forfeited, and may be seized and confiscated to the use of the said Company.

On penalty of forfeiture and confiscation of the tobacco and vessel.

IV. No tobacco, tobacco stalks, snuff, or ganja, shall be landed or put out of any ship, vessel, or boat, importing the same, till after entry thereof is duly made at the custom-house; nor shall any tobacco (other than European or American manufactured tobacco imported in ships from Europe or America, respectively), tobacco stalks, snuff, or ganja, be landed or put out of any such ship, vessel, or boat, after entry thereof, without the license or permit of the farmer, under the penalty of forfeiting all such tobacco, snuff, and ganja, together with the casks and other packages thereof, and the ship, vessel, or boat, from whence the same shall be so landed or put out, which shall be seized and confiscated to the use of the Company.

No tobacco, &c. to be landed or put out of any ship, vessel, or boat, till after entry thereof, nor without permit from the farmer,

On penalty of forfeiture and confiscation of the tobacco and ship, &c.

V. No unlicensed tobacco, snuff, or ganja, shall be so imported or brought in, or by, any marine vessel, pattamar boat, mailboat, bunderboat, or other boat or vessel belonging to or in the service of the said Company, on the penalty of all tobacco, snuff, and ganja, so imported or brought without license from the farmer, that shall be found and seized, being forfeited and confiscated to the use of the Company, and the importers thereof being, on conviction before the Judge of the Court of Revenue, punished as for a misdemeanour, according to the circumstances of the case.

Tobacco, &c. imported by the Company's vessels, without license from the farmer, forfeited and punishable by the Judge of Revenue.

VI. No vessels or boats that shall be seized for failing to cause entry to be made of any tobacco or country snuff imported thereby, nor any ships, vessels, or boats, seized for landing tobacco, snuff, or ganja, without license from the farmer as aforesaid, shall be released or restored, or allowed to obtain a port clearance on any account whatever, until the penalties are paid; and if they be not paid within four months from the time of seizure, every ship, vessel, or boat, seized as aforesaid, shall be confiscated and sold by order of the Governor in Council, without further delay or notice to the master or owners thereof.

Ships and vessels seized for illicitly importing tobacco, &c. not to be released, but on payment of the penalties within four months, otherwise to be confiscated and sold.

VII. The farmer shall give licenses or permits for all tobacco imported for re-exportation, and for all tobacco imported from Persia, although it be not for re-exportation, and for all country tobacco imported for the particular use of any European inhabitant, not exceeding, for any such inhabitant, four maunds at one time, or at several times within the space of one year, to authorize the same being landed after entry for re-exportation, from Persia, and for the particular use of such European inhabitant, as the respective case may be.

Farmer to give permits in certain cases.

VIII. All tobacco so imported or landed for re-exportation shall be put into a warehouse belonging to the Company, of which the farmer shall have one key and the Custom-master at Bombay and Mahim respectively another, and shall remain there till re-exported, and until the farmer's dues thereon are paid: all Persia tobacco and country tobacco, for the particular use of any

Permitted tobacco to be warehoused.

any European gentleman, shall also be warehoused until the farmer's dues thereon are paid.

Fee and duties to the farmer thereon.

IX. The farmer shall be paid for his permit for all tobacco for re-exportation, a fee of one quarter of a rupee per Bombay maund, and no more; and on all tobacco imported from Persia a duty of seven rupees per Bombay maund; and on all tobacco permitted for the particular use of any European inhabitants a duty of nine rupees per Bombay maund.

Duty of customs to Government.

X. The above fee and duties to the farmer shall be exclusive of the duty to Government, which on all tobacco, tobacco stalks, snuff, and ganja, duly imported and entered either for the farmer or otherwise, shall be three and an half per cent. on the true cost, without any advance thereon, and no more.

Account to be taken of the tobacco on board of ships, &c. for the consumption of the voyage, and the same to be landed and warehoused.

Farmer's fee thereon.

No duty to Government.

XI. All ships, vessels, and boats, coming to this port, on board of which there shall be any store of tobacco for the consumption of the voyage, be the quantity great or small, an account shall be taken thereof, by the officers of the custom-houses at Bombay and Mahim respectively, by authority of the Custom-master, and the same shall be landed and warehoused as for re-exportation until the departure of the vessel it belongs to; when the like fee shall be due to the farmer as on tobacco permitted to be imported for re-exportation: but no duty shall be payable to Government on such store of tobacco belonging to any such ship, vessel, or boat, for the consumption of the voyage.

Custom-masters not to pass any tobacco, &c. except European or American manufactured tobacco, &c. without permits from the farmer.

XII. No tobacco, tobacco stalks, snuff, or ganja, of any kind (except European or American manufactured tobacco or snuff imported in some ship from Europe or America) shall be passed at either of the custom-houses at Bombay or Mahim, or allowed to be landed at any place within this island, or at Coolaba or Old Woman's Island, without a license or permit from the farmer, under his hand or the hand of some known agent to him, specifying the quantity and the name of the ship or vessel by which it is imported, and the name of the master, and the place whence it is brought, and if it is not for the farmer's own account, declaring at whose request the permit is granted.

European and American manufactured tobacco and snuff not to be sold to the Indian inhabitants.

XIII. All rolled tobacco, and other European or American manufactured tobacco and snuff, imported in any ships from Europe or America respectively (other than Portugal snuff), shall be entered and passed without any permit from the farmer, but the same shall be sold to the English and other European inhabitants only; and if any such European tobacco or snuff be found in custody of any of the India tobacco shopkeepers, in any quantity, great or small, the same shall be seized and confiscated.

Portugal snuff to be permitted and to pay the farmer a duty.

XIV. The farmer shall give permits from time to time for the landing of any Portugal snuff, and shall be paid for the same, by whomsoever imported, a duty of three-quarters of a rupee per pound, and the same shall be warehoused till the duty is paid.

Regulations for the Custom-masters.

XV. It shall be the duty of the Custom-masters at Bombay and Mahim, and their officers and assistants within their respective districts, to prevent the importation of all tobacco, tobacco stalks, snuff, and ganja, not licensed or permitted according to these rules, by stopping and seizing all such as shall

shall be imported or brought into this island, Coolaba, or Old Woman's Island, and which shall be landed within any of the ports, bunders, or landing-places of either of the said islands, or shall be found on board of any ship, vessel, or boat, in the harbour, or upon any of the rivers or waters within the precincts of this presidency, not having been entered at either of the said custom-houses, nor having permits from the farmer for the importation thereof.

Power given to search houses and shops, &c.

XVI. Whenever information is given upon oath by the farmer of this revenue, or any of his agents or servants, or any other person or persons whatsoever, to the satisfaction of the Collector of the rents and revenues, or of his Assistant, or of the Custom masters of Bombay and Mahim, of any tobacco, tobacco stalks, country or Portugal snuff, or ganja, being smuggled or run, or landed without due entry at the custom-house and permit from the farmer, or being brought within this port with intent to be smuggled, run, or landed, without due entry and permit as aforesaid, or shewing reasonable grounds to suspect there being any unpermitted or unentered tobacco, tobacco stalks, country or Portugal snuff, or ganja, concealed in any house, shop, warehouse, or other place upon this island, or on Coolaba or Old Woman's Island, or in, or on board of any ship, vessel, or boat within the harbour, or upon any of the rivers or waters within the precincts of this presidency, a warrant, under the hand of either of those officers, shall be granted to authorize an officer to enter into any such houses, shops, warehouses, or other places upon the island, and into and on board of any such ships, vessels, or boats upon the water, and search for concealed tobacco, snuff, or ganja, and to seize, in the name and to the use of the Company, all tobacco, tobacco stalks, country or Portugal snuff, and ganja, that shall be there found, not being entered or permitted as aforesaid, and likewise the ship, vessel, or boat from which the same shall have been landed or put out without license as aforesaid, or wherein any of the said commodities shall be found concealed, or whereof the time for entry is expired.

Except ships whose crews are three-fourths Europeans.

XVII. No ships or vessels, however, three-fourths or more of whose crew shall be European seamen, shall be liable to such search or seizures.

The officers to make a return to the warrant.

XVIII. The officer shall make an exact and circumstantial report or return, in writing, of all that is done by authority of the warrant, and deliver the same forthwith to the Collector or Custom-master who issued the warrant.

The Court of Revenue may mitigate the penalties.

XIX. It is in the power of the Court of Revenue to mitigate the penalties at the discretion of the Judge, according to the circumstances of the case; but it shall not be lawful for the farmer to compound any penalty or forfeiture without leave of the court, or permission given for that purpose by the Governor in Council, or the Collector of the Company's rents and revenues.

The farmer not to compound penalties, &c.

Tobacco offered for sale without license from the farmer, or bought from any but the farmer, confiscated.

XX. The farmer of this revenue having the sole and exclusive right to sell tobacco, country snuff, Portugal snuff and ganja, for the use and consumption of the inhabitants of this island, and of Coolaba and Old Woman's Islands, all tobacco, country snuff, Portugal snuff, and ganja, exposed or offered for sale by any person or persons not employed or licensed by the farmer to

retail or deal in the said commodities, or found in the possession or custody of any person or persons, if not bought of the farmer, or of the retailers or dealers by him licensed, or if not imported by license from the farmer as aforesaid, shall be seized and confiscated.

Unlicensed venders of country tobacco, &c. subjected to corporal punishment or to fine and imprisonment.

XXI. Whosoever shall, without license from the tobacco farmer, make, vend, or deal in country tobacco, country snuff, or ganja, shall, upon conviction thereof before a Judge of the Revenue, be subject to such fine or other penalty as shall be deemed suitable to his or her quality and condition and the degree of the offence. But for the first offence the punishment shall in no case exceed fifteen stripes of the rattan, or to pay a fine of fifty rupees and to be imprisoned for thirty days.

Native troops returning to the presidency not to bring any tobacco, &c.

XXII. The sepoys and other native troops, upon arriving at the presidency from foreign service or any out-posts, shall not be permitted to bring in with them any tobacco, snuff, or ganja; and for insuring the observance of this prohibition by the sepoys and native troops so arriving at the presidency, an order to this effect shall be published from time to time, by authority of the commander-in-chief of the forces, in the general orders of the army, for breach whereof such sepoys and native troops shall be declared subject to such punishment as shall be adjudged by a court martial; and for the prevention thereof, the sepoys and other native troops of every company, detachment, or corps, returning to this presidency, shall have their knapsacks and baggage searched by an officer or peon of either of the custom-houses, by authority of the Custom-master, and assisted by the farmer or some known agent of his, but in the presence of the officer commanding the corps or company, and under such further regulations as shall be for that purpose established by authority of the commander-in-chief; and all tobacco, snuff, and ganja, found in the custody of any such sepoys or native troops, their wives or followers, shall be forfeited.

Unlicensed tobacco, &c. when seized, to be warehoused.

XXIII. All unlicensed tobacco, snuff, and ganja, when seized, shall be deposited and kept safely in a warehouse belonging to the Honourable Company, with two locks to each door thereof, the key of one whereof shall be kept by the farmer and the other by the Collector or Custom-master, until the same shall either be cleared by permit of the farmer, with leave of the Collector or the Court of Revenue, or shall be condemned and disposed of in manner as mentioned in the next section.

How to be disposed of.

XXIV. When any tobacco, snuff, or ganja, subject to forfeiture as aforesaid, shall be condemned, if the same be of a merchantable quality and in good condition, the drugs shall be delivered over to the farmer, who shall account for the full value thereof, reckoned at the rate which the articles of the like quality, purchased and imported for his own use, shall have cost, upon an average, during the same season, according to the entries at the custom-house and inclusive of the duty on importation: but if the tobacco, snuff, or ganja, so seized, shall be found to be damaged or of a bad quality, so as to be unfit for sale to the inhabitants, then it is to be burnt or otherwise destroyed.

The Collector and Clerk of the Market empowered to suppress unlicensed tobacco

XXV. It shall be the duty of the Collector of the Revenues of Bombay, his officers and assistants, and also the Clerk of the Market, to suppress all unlicensed

unlicensed tobacco shops, and to proceed against all persons manufacturing or selling tobacco, snuff, or ganja, without a license, for the purpose of enforcing the penalties prescribed for such practices. The Collector and his officers are authorized, by virtue of this Regulation, to apprehend all persons so offending, and to take security for their appearance before the Judge of Revenue, and for want thereof to detain them till they shall be discharged by order of the said Judge.

shops, and the Collector to apprehend and detain offenders.

XXVI. When any attachments of unlicensed tobacco, snuff, or ganja, shall be made wholly by the officers of either of the Custom-masters, or of the Collector or his assistant, and not upon any information furnished them, such officers shall be entitled to receive one moiety of the fine which may be levied from the offender, together with one moiety of the value of the tobacco, snuff, or ganja, confiscated, and the other moiety shall belong to the farmer.

Officers making seizures to have half the fine and forfeitures.

The other moiety to the farmer.

XXVII. If any other person or persons shall give information, and any unlicensed tobacco, snuff, or ganja, shall be seized in consequence of such information, such informers shall be entitled to receive one quarter-part of the fine and forfeiture, and the officer who makes the seizure shall be entitled to receive also one quarter-part of the amount; the remaining moiety is to go to the farmer.

Informers to have one quarter of the fines and forfeitures.

XXVIII. The farmer shall be at liberty to sell tobacco and country snuff to the inhabitants by wholesale as well as by retail, so as he does not sell any tobacco by wholesale at a less price than twelve rupees, two quarters, and forty reas per maund, nor otherwise dispose of any for consumption in these islands at any under-rated value: and if the farmer shall at any time sell or dispose of any tobacco contrary to this Regulation, all the tobacco so sold or disposed of shall be forfeited, and may be seized in the possession of the buyers or receivers thereof, and the farmer shall moreover forfeit treble the value at the regulated price, of all tobacco so sold or disposed of.

Price for the sale of tobacco by the farmer.

And not to be sold for consumption on the island under that rate.

Penalty on the buyers and on the farmer.

XXIX. In all the shops kept by the farmer, or any employed or licensed by him for retailing or vending tobacco, it shall be sold, when dry, at one single pice (or four reas) per tola, weighing full thirty-two valls, and it shall be of a good merchantable quality, and free from dirt.

Price of sale by retailers.

XXX. All the tobacco imported by, or for the use of the farmer, shall, after being deposited in his warehouses, and so long as it remains there, but subject to the inspection and examination of the Collector of the Company's rents and revenues for the time being, and of the Clerk of the Market, or either of them, or their European assistants, with any other persons of skill to be named and appointed by the Collector and Clerk of the Market or either of them (not exceeding three persons in the whole at each inspection); and such inspection shall take place from time to time, and as often as the Collector or Clerk of the Market shall see occasion, or as the Governor in Council shall think fit to order; and if, upon any such examination, the tobacco so imported by, or for the use of the farmer, or any part or parcel thereof, shall be found to be of an unmerchantable quality, or damaged in its condition, so as to be unfit for sale to the inhabitants, a declaration thereof shall be made by the inspectors, in writing under their hands, and the tobacco so condemned shall be forthwith burnt, and the farmer shall sustain the loss.

The farmer's stock of tobacco to be subject to inspection from time to time.

XXXI. All

The tobacco shops also subject to inspection.

XXXI. All the shops and other places, kept or licensed by the farmer for retailing or selling tobacco, and all the tobacco therein, shall likewise be subject to the inspection and examination of the Collector of the Company's rents and revenues, and the Clerk of the Market for the time being, with any other person or persons of skill, to be named and appointed by the Collector and Clerk of the Market; and such inspections shall take place from time to time as often as the Collector and Clerk shall see occasion, or as shall be ordered by the Governor in Council: and if, upon any such examination, any tobacco shall be found in any such shops or other places which shall have been adulterated or is mixed with dirt or rubbish, the same being condemned by the inspectors in a declaration under their hands, shall be forthwith burnt, and the retailer or shopkeeper shall sustain the loss.

Allowance to retailers.

XXXII. The farmer shall make such allowance to retailers as hath hitherto been used and customary.

Licenses to retailers how to be countersigned and registered.

XXXIII. The licenses to retailers and other dealers in tobacco and snuff shall be given in written tickets, under the hand of the farmer or his agent, and shall be countersigned by the Collector and Clerk of the Market, or one of them; and a register shall be kept thereof in the office of the Clerk of the Market, and none but such registered licenses shall be of any force; but no fee shall be payable to the Collector or Clerk of the Market for countersigning or registering such licenses.

Farmer's remedy against the retailers.

XXXIV. When any retailers or shopkeepers shall be in arrears to the farmer on their kists, or otherwise in fault, he may make complaint thereof to the Collector or Clerk of the Market, which complaint the Collector and Clerk of the Market, or one of them, shall hear, after summoning the party complained against, and on hearing the same may order the retailer's or shopkeeper's license to be cancelled; and if they order the license to be cancelled, it shall be erased from the register. And as often as the farmer revokes the license of a retailer or shopkeeper, or that a shop is relinquished or removed, the farmer shall report the same to the Clerk of the Market.

Shops relinquished or licenses revoked by the farmer.

Retailer's remedy against the farmer.

XXXV. If the farmer shall at any time attempt to impose upon any retailer or shopkeeper, or any other person, by dealing out or offering to sell him any adulterated, bad, or unmerchantable tobacco, the retailer, dealer, or other person, shall complain thereof to the Collector or Clerk of the Market, producing, if he can, a sample of the tobacco so objected to; and upon every such complaint an inspection shall be made into the farmer's warehouses, and into any shop and other places where there appears room to suspect that any bad or adulterated tobacco is lodged: and if any tobacco objected to upon such complaint shall be condemned to be burnt, the farmer shall sustain the loss.

Buyer's remedy against the retailers.

XXXVI. Whenever any retailer, dealer, or shopkeeper, shall attempt to impose upon any buyer, by selling or offering for sale any bad or adulterated tobacco, or such as the buyer conceives to be bad and unfit for use, or by selling or offering to sell under the regulated weight, and complaint thereof is made to the Collector or Clerk of the Market, an inspection shall be, without delay, made into such dealer's shop or place of sale, and if the tobacco so offered for sale, being found adulterated or bad, shall yet appear to be in the

same

same state and condition as when received by the dealer from the farmer, then an inspection shall be made forthwith into the farmer's warehouses, and all bad or adulterated tobacco found either in the said warehouses or in any such shops shall be condemned and burnt in manner as aforesaid. If the shopkeeper or dealer is found to have wilfully dealt in, or received from the farmer, bad tobacco, he shall forfeit his license, which shall be forthwith revoked and cancelled, and shall not be renewed but by leave of the Collector or Clerk of the Market.

Buyer to complain without delay.

XXXVII. The complaint of any buyer as to bad tobacco shall not be heard, if it shall appear that he carried away the tobacco from the shop, unless he shall produce the tobacco so carried, or a sample thereof, to the Collector or Clerk of the Market on first preferring his complaint.

Regarding false weights and measures.

XXXVIII. If any shopkeeper or dealer shall appear to have used, or there shall be found in his shop or place of sale any false or fraudulent weights or measures, he shall be fined fifty rupees, and the false or fraudulent weights and measures shall be destroyed.

All seizures shall be inquired and determined in the court of the Judge of Salsette.

XXXIX. All seizures and confiscations, and all fines, forfeitures, and penalties, incurred under this Regulation, and all matters and things relating thereto, shall be inquired of, sued for, prosecuted, heard, and determined, in the court of the Judge of Salsette, as Judge of matters concerning the revenues of this presidency; and all convictions, orders, and proceedings of the Collector and Clerk of the Market, or either of them, may be removed into the Court of Revenue by order of the Judge of the said court, on the complaint of either of the parties or of any person concerned therein.

The Company to furnish the farmer annually with a stock to the value of twelve thousand rupees in money or tobacco.

XL. The Governor in Council furnishes the tobacco farmer, at the commencement of every farm of this revenue for a term of years, with a stock to the value of twelve thousand rupees, one half whereof is in tobacco, valued at four rupees per Bombay maund, and the other half in money. This sum of twelve thousand rupees the farmer shall repay to the Company by equal monthly instalments, during the course of the first twelve months of the term: and at the beginning of each year of the term the farmer shall be furnished with a new stock, of the value of twelve thousand rupees in money, which shall be repaid to the Company in like manner, by equal monthly instalments, during the course of the same year.

At the expiration of each farm, the Company to purchase the farmer's remains of tobacco, not exceeding one thousand five hundred maunds.

XLI. At the full expiration of every term of years for which this revenue may be farmed, the Company shall purchase of the then late farmer the remains of his stock of tobacco, provided the same be good in quality and condition, and not exceeding one thousand five hundred maunds, Bombay weight; for which they shall pay or allow him at the rate of four rupees per maund.

The overplus of the late farmer's stock how to be disposed of and secured against being illicitly sold in the island.

XLII. Any quantity of tobacco which the late farmer may have in stock exceeding one thousand five hundred maunds, and all the remains of his stock of snuff and ganja, shall be exported within six months after the determination of the farm, in default whereof all the tobacco, snuff, and ganja, that shall after that time be found in the possession of the late farmer, or of any person or persons for his use, shall be seized and confiscated to the use of the Company, and such late farmer shall incur a penalty of treble the

Penalty on the farmer.

value of all tobacco, snuff, and ganja, so found or seized, at the regulated price of sale: and if any tobacco, snuff, or ganja, shall be so seized in the

Penalty on buyers or receivers under the regulated price.

custody of any buyers or receivers thereof from such late farmer (other than the farmer for the time being) the same shall be confiscated, unless such receiver shall prove that he bought the same from the late farmer previous to the termination of his farm, and at the full regulated price: and during the six months allowed for the exportation of the overplus or residue of the late farmer's stock of tobacco, snuff, and ganja, the warehouses and other places where the same shall be kept or deposited shall be locked up, sealed, or otherwise secured by the Collector of the Company's rents and revenues, until the same be exported or disposed of to the farmer for the time being.

Peons allowed to the farmer.

XLIII. The farmer shall be allowed six Peons in the pay of the Company, to assist him in the business of the farm, and he shall furnish these Peons with distinctive badges, inscribed "*Tobacco Farm.*"

The farm liable to be forfeited and resumed by Government.

XLIV. Upon any charge against the farmer of this revenue for any fraud, trespass, or oppression, committed by him or by his procurement, or for a default in the payment of the rent to the Company, the Judge of Revenue may institute a summary inquiry into the matter, and if the farmer be convicted thereof he shall be liable to forfeit the remainder of the term of his farm, and Government may forthwith provide for the management of this revenue on account of the Company.

In case of resumption, the farmer to pay the Company stipulated damages.

XLV. The farmer shall come under a penalty of fifty thousand rupees, to be paid to the said Company (over and above all other forfeitures and penalties which he may incur) for their damages, in case he shall incur a forfeiture of the farm at any time before the full expiration of the term for which it is granted, by any failure in the payment of the rent and other dues to the Company, or by any breach or contravention of the foregoing rules.

The farmer to give security by a bond with two sureties.

XLVI. The farmer shall give security to the Company for the payment of the rents and other dues, and the performance of all other the conditions and agreements of the farm, by a bond of himself with two substantial sureties, jointly and severally, in a sum equivalent to one year's rent.

A. D. 1802. REGULATION I.

A REGULATION *for extending the local Jurisdiction of the Court of Justice at Surat, and for extending and defining the Powers given by Section* VI, *Regulation* IV. 1800, *to the Register of the said Court, to try and decide Causes referre d tohim by the Judge, and empowering the Civil Court, in certain Cases, to refer Rent and Revenue Accounts to the Collector for Report:* PASSED *by the Honourable the Governor of Bombay, on the 6th of July* 1802, *whilst at that Settlement in the full possession and exclusive exercise of the entire Powers of the Bombay Government, and thereafter confirmed by the Governor in Council, on the 20th of August* 1802 *(corresponding with the 8th Shravan vud, Sumbut or Vekramajit Era,* 1859; *Salbahan,* 1724; *and 20th of Rubee ul akur, ... Hejry).*

I. THE pergunnahs of Chourassy, and the Guicowar's share of the Surat Chouth, having been ceded to the Company by the state of the Guicowar,

on

on the 26th of December 1801; as hath since, under date the 2d of Suffer (or 3d of June 1802), the pergunnah of Cheekly, which cessions have been repeated and confirmed by treaties between the Honourable Company and the said state, under dates the 15th of March and 6th of June 1802, it is become expedient to provide for the administration of justice within the bounds of the newly acquired territories. To prevent the time of the Judge of the civil court at Surat being occupied with the trial of petty suits, and consequently to enable him to determine causes of greater magnitude with expedition, he was empowered, by Section VI, Regulation IV. 1800, to authorise his Register to try and decide any suits for money, or any personal property, where the amount or value of the thing contested should not exceed the sum of two hundred rupees, and for malguzarry or revenue land, the annual produce of which should not be above two hundred rupees, and for lakheraje, or free land, the produce of which should not be more than twenty rupees per annum. But the same Regulation directing that the decrees, so passed by the Register, were to be countersigned by the Judge, to denote his approbation of them, and were not to be considered valid unless they were so countersigned, and this restriction being equally applicable, whether either of the parties were dissatisfied with the decision or otherwise, and in fact, rendering the Judge solely responsible for it, he was necessarily obliged to revise the proceedings of the Register in every case, which must often occupy as much of his time as would be required for the trial of the suits in the first instance, and consequently tend to defeat the object of the reference. With a view, therefore, to the full attainment of the object of the rule, and further to expedite the administration of justice, by relieving the civil court from the trouble of arranging and comparing the long and intricate accounts, the adjustment of which may prove frequently necessary for the decision of suits between individuals, respecting land rents or revenues, the following rules have been enacted.

Jurisdiction of the Court of Session and Magistrate and civil court of justice extended to Chowrassy and Cheekly.

II. The jurisdiction of the Courts of Session and of the Magistrate, and of the civiljustice, established by Regulations I. and III. 1800, is extended over the pergunnahs of Chowrassy and Cheekly, from the dates of their entering respectively into the Honourable Company's possession; which, with respect to the former, was on the 7th of January, and to the latter, on the 14th of June last.

Causes to be referred by the Judge to his Register, for trial and decision.

III. The Judge of the civil court is empowered and directed to refer to his Register, for trial and decision, the causes that are depending, or which may be filed in his court, for money or personal property, where the amount or value of the thing contested shall not exceed the sum of two hundred rupees; or for malguzarry or revenue land, the annual produce of which shall not be above two hundred rupees; or for lackheraje, or free land, the produce of which shall not be more than twenty rupees per annum. For the hearing and deciding the above-mentioned causes, the Judge is to cause his Register to sit three days in every week, or oftener, if his other avocations will permit.

Register to sit three days in every week to hear causes.

Where the Register is to try causes.

IV. The Register is to try the suits which may be referred to him by the Judge in open court, at times when the Judge himself may not sit, or in the event

event of the court-room being occupied by the Judge, in any other part of the cutcherry.

Register to conform to the rules for the trial of causes prescribed to the Judge.

V. In trying the causes, the Register is to be guided by the same rules as are prescribed for the trial of suits before the Judge.

Decision of the Register final for money or personal property not exceeding twenty-five rupees.

VI. The decision of the Register shall be final in all suits for money or personal property, the amount or value of which shall not exceed twenty-five rupees. A discretionary power, however, is vested in the Judge of the court of revising the decision passed by his Register in such causes, in instances in which the decree shall appear to him obviously unjust or erroneous, and to pass such decree as he may deem equitable; but the Judge is invariably to enter on the record of the trial his reasons for revising such decision of his Register.

How process in suits referred for trial to the Register is to issue.

VII. All process whatever which it may be necessary to issue in suits referred for trial to the Register shall issue under the seal of the Court and the signature of the Register, and shall be executed by the officers of the court, and considered in every respect of the same force and validity as similar process issued in causes under trial before the Judge.

Suits tried before the Register to be pleaded by the parties or their agents, or the authorized Vakeels of the court.

VIII. The causes referred to the Register for trial are to be pleaded either by the parties in person or their Vakeels, or by the authorised Vakeels of the court.

Courts empowered to refer certain rent or revenue accounts to the Collectors for report.

IX. In causes concerning rent or revenue, or other matters of a fiscal nature and description, the Judge is empowered to refer to the Collector, for his report, any accounts the adjustment of which may be necessary towards the decision of the suit. The reference is to be made to the Collector by a precept under the signature of the Judge and the seal of the court, in which shall be specified the accounts referred, and the papers which the Judge may think it necessary to send in elucidation of them, and the time by which the report is to be made. The Judge may also command the parties or their Vakeels, and any witnesses they may have to produce, to appear before the Collector, that he may examine them regarding the accounts, and also to empower the Collector to administer the customary oaths to the witnesses, or to examine the parties on oath, if they shall agree to be so examined. The Collector shall submit his report on the accounts to the court by the prescribed time, attested by his official seal and signature, or assign his reasons for not having been able to complete it by the period directed. The Judge, upon the receipt of the Collector's report, shall either confirm, set aside, or alter his adjustment of the accounts, or pass such decision respecting them as may appear to him proper. But the rules in this section are not to extend to empower the Judge to refer to the Collector any accounts relating to suits, in which he, or any of his public officers or private servants, or Government, may be a party.

Judge prohibited referring accounts to the Collector, in suits in which he, or any of his officers or servants, or Government, may be a party.

A. D. 1802. REGULATION II.

A Regulation *to provide for the occasional Absence of the Judges and Magistrates of the country Judicatures under the Presidency of Bombay from their respective Stations, and prescribing the Duties to be performed by the Registers of the Courts and the Assistants on such Occasions, as well as in the Discharge of their official Functions, and for the occasional Exercise of judicial Powers by the Assistants to the Magistrates:* Passed *by the Honourable the Governor of Bombay, as far as regards Surat and its Dependencies, under Date the 7th of July* 1802, *whilst at that Settlement in the full Possession and exclusive Exercise of the entire Powers of the Bombay Government, and thereafter confirmed by the Governor in Council on the 20th of August* 1802 *(corresponding with the 8th of Shravan Vud, Sumbut or Vikramajeet Era* 1859; *Salbahan,* 1724, *and the 20th of Rubee ul akhur,* ..... *Hejry).*

I. No rule being prescribed in the existing Regulations for the mode in which application is to be made by the Judges and Magistrates for occasional leave of absence from their respective stations, or for communicating a compliance with such applications, and the Registers being restricted, by Section VII, Regulation IV. 1800, from exercising the powers of Judge in the event of the temporary absence or indisposition of the Judge, or of the office of Judge being vacant, without the express sanction of the Governor in Council, whereby the business of the said courts has been delayed and obstructed; to obviate these and other impediments, arising from the omissions and restrictions abovementioned, the following rules are now enacted.

Judges to apply to the Governor in Council for permission to quit their stations, and to wait the receipt thereof, except in emergent cases.

What the letter of application is to contain.

II. Any Judge and Magistrate who may be desirous of quitting his station, on whatever account, is to apply for permission to the Governor in Council, and, except in emergent cases of indisposition, is not to leave his station until such permission shall have been obtained and received. The letter of application is to specify the purpose for which the leave of absence is applied for, the period for which it is desired, and the name of the Register or senior Assistant on the spot, to whom the charge of the offices of Judge and Magistrate will devolve, if not otherwise provided for.

The Governor in Council will determine, in every instance, whether to delegate the duties of Judge and Magistrate to the Register and senior Assistant, or to appoint any other person thereto.

To whom his determination will be communicated.

III. The Governor in Council, on receipt of the above-mentioned applications, will determine, in every instance wherein he may grant leave of absence to the Judge and Magistrate to quit his station, whether to delegate the temporary execution of the duties of Judge and Magistrate to the Register or senior Assistant on the spot, or to appoint any other person by a special commission thereto, or to make other provision for carrying on such part of the business of the station, civil and criminal, as cannot be postponed, according to the urgency and circumstances of the case. The result of this determination will be immediately communicated to the Judge and Magistrate, and his Register and Assistant, or any other person appointed to act for him; and notice of it is to be given, at the same time, to the courts of Sudder Adawlut and to the superior tribunal of the Governor in Council.

To whom Judges and Magistrates are to report their departure from, and return to, their stations.

IV. The Judges and Magistrates, to whom leave of absence may be granted, are to report their actual departure from their stations, as well as their

their return thereto, to the Governor in Council, the court of Sudder Adawlut, and to the superior tribunal of the Governor in Council.

Report to be made to the Governor in Council, when the offices of Judge and Magistrate may devolve to the Register and senior Assistant, from death, indisposition, or other casualty.

V. In cases wherein the charge of the offices of Judge and Magistrate may, from death, indisposition, or other casualty, devolve to the Register or senior Assistant on the spot, without any express provision for the same having been made by the Governor in Council, as specified in Section III. of this Regulation, an immediate report of the circumstances of the case is to be made by such Register or Assistant to the Governor in Council for his orders, and till the receipt thereof he is to confine himself to the discharge of the proper duties of his station as Register or Assistant, and to the exercise of such part of the powers of Judge and Magistrate as may be indispensibly necessary for the immediate execution of processes from the Sudder Adawlut or superior tribunal of the Governor in Council, or for the preservation of the peace within the jurisdiction, or for such other cases of emergency as will not admit of delay.

Duties to be performed by the Register and Assistant, in such case, till the receipt of orders.

Magistrates authorized to employ their Assistants in the execution of any part of their duties to which they cannot themselves duly attend.

VI. The Magistrates are authorized to employ their Assistants in the execution of such part of their prescribed duties as, from the extent of their general business or other cause, they may be unable to give due attention to themselves; provided that, previous to any such Assistant's entering upon the exercise of judicial authority, he shall take and subscribe before the Magistrate the following oath:

Oath to be taken by such Assistants previous to exercising judicial powers.

"I, A. B., Assistant to the Magistrate of ..... solemnly swear, "that I will, to the best of my ability, assist the said Magistrate in pre- "serving the peace of the ....., over which his authority extends; "that I will act with impartiality and integrity, and will not exact or "receive, nor knowingly allow any other person to exact or receive, directly "or indirectly, any fee, emolument, or reward whatsoever, in the execution "of any matter relating to the duties of my office, excepting such as the "orders of the Governor in Council do or may expressly authorize; and "that I will perform the duties of my office according to the best of my "knowledge, abilities, and judgment, conformable to the Regulations that "have been, or may be passed by the Governor in Council."

Assistants sworn as above authorized to exercise the judicial powers vested in the Magistrates, as far as necessary for the performance of the duties committed to them.

VII. The Assistants to the Magistrates who may have taken and subscribed the foregoing oath, are authorised to exercise the judicial powers vested in the Magistrates by Regulation V. 1799, and Regulation III. 1800, or by any other Regulations printed and published in the manner directed in Regulation I. 1799, as far as may be necessary to enable them to perform the duties committed to them respectively, by the Magistrates with whom they are stationed, under the provision to that effect in Section VI. of this Regulation.

Assistants exercising judicial powers under this Regulation to be guided in every respect by the Regulations enacted for the guidance of the Magistrates.

VIII. In all instances wherein the Assistants to the Magistrates may exercise any judicial powers under this Regulation, they are to be guided in every respect, by Regulation V. 1799, and Regulation III. 1800, and such other Regulations as have been, or may be hereafter enacted for the guidance of the Magistrates, as far as the same may be applicable to the duties committed to them respectively.

A. D. 1802. REGULATION III.

A Regulation *for declaring certain Persons of evil repute returning into Surat, after having been expelled the Town by the Magistrate, liable to Sentence of hard Labour; and for declaring Convicts who may escape from Confinement during their Sentences liable to Transportation; and for impressing a Mark on the Forehead of Convicts sentenced to Confinement for Life, and for certain Modifications of the Mohammedan Law in cases of Murder, and in certain cases of Kutl Khota, or accidental Homicide; and for the more effectual Punishment of Perjury, and the more certain Ascertainment of Witnesses required by Parties under criminal Prosecution in their Defence:* Passed *by the Honourable the Governor of Bombay, under Date the 8th of July* 1802, *whilst at Surat, in the full Possession and exclusive Exercise of the entire Powers of the Bombay Government, as far as relates to the said City and its Dependencies, and thereafter confirmed by the Governor in Council on the 20th of August* 1802 *(corresponding with the 8th Shravan Vud, Sumbut or Vekramajet Era* 1859; *Salbahan,* 1724; *and 20th of Rubee ul akhur, ... Hejry).*

I. Since the period of the government of the city of Surat vesting exclusively in the East-India Company, several instances have occurred of habitual and notorious thieves, swindlers, and other disturbers of the peace, having been expelled the town, as dangerous persons to be allowed to remain therein; but from their frequently returning, to the disquietude and annoyance of the public, the Magistrate applied to the Court of Session, during their last sittings, to have such farther Regulation made in the premises, as the urgency of the case appeared to him to require; in consequence of which that court has, in their last quarterly report, made in pursuance of Section L, Regulation III. 1800, submitted the subject to Government. Moreover, the more effectually to guard against the escape of convicts who are not liable to transportation under Section LV, Regulation V. 1799, and Section LV, Regulation III. 1800, it is expedient that this punishment should be added with a view to deter from the attempt. The provisions contained in Section XXXIX, Regulation V. 1799, and Regulation III. 1800, provide against the obstruction to public justice, of which the Mahommedan criminal laws allow in their literal acceptation, by requiring that a murderer should only suffer death on the heirs of the slain requiring it; and, on similar principles Section LII, Regulation V. 1799, and Section LII, Regulation III. 1800, exempt the superior tribunal of the Governor in Council from being bound by the law of the religion of either person tried, where it may declare him or her not liable to capital punishment, from the parties standing in the relation of parent and child, or master and slave, or otherwise; but it is still farther necessary to provide against other exceptionable doctrines of the Mahommedan law, which spare, in like manner, a person wilfully killing another at the desire of the party slain; and if any of the persons above-mentioned be concerned with others in the perpetration of wilful murder, their exemption from kissaus precludes the infliction of capital punishment (except under the discretion allowed in all cases of tazeer and seeasut) upon any of their accomplices. In these

and

and similar instances, therefore, the Mahomedan law of retaliation being obviously and essentially repugnant to the principles of public justice, the following rules are passed in modification thereof, as well as for providing against the manifest defects of the same code, in not punishing capitally the crimes of intentional murder by poison or drowning. Besides this, from an exposition of the Mahomedan law given by the law officers of the Nizamut Adawlut in Bengal, and from the books of authority cited by them, it appears, that a person deliberately intending to murder one individual, and accidentally killing another, is not, by the Mahomedan law, held liable to the punishment of murder; this case, as well as all cases in which any mistake or accident may occur, either in the design of the person committing the homicide, or in the act whereby the homicide is committed, being considered, under the rules of kissaus, or retaliation and private satisfaction, upon which this part of the Mahomedan law is founded, to be within the legal denomination of kutl khota, or accidental homicide, and consequently not liable to the punishment of wilful murder, but expiable by a fine to the heirs of the slain. It appears further, that the Mahomedan law, in this respect, makes no distinction between involuntary homicide in the prosecution of a lawful intention (as for instance, shooting at a mark and accidentally killing a man); and involuntary homicide in the prosecution of an unlawful and murderous intention (such as shooting at a man with an intention to kill him and by accident killing another man), or even killing the person intended to be murdered, if any accident intervene (such as the arrow, or other instrument of death, passing by the person aimed at and killing him on a rebound); though the intention being in the first case innocent, in the two latter cases criminal, there is evident reason for distinguishing them, and on principles of public justice, which regard the detriment and danger to society from the commission of crimes, rather than the individual injury resulting from them, the homicide actually committed in prosecution of a deliberate intent to commit murder must be held justly liable to the punishment of murder. The same reason is equally applicable in cases of a like nature, where a person, criminally intending to wound, maim, or otherwise do corporal injury to one individual, may, in the prosecution of such criminal intention, accidentally wound, maim, or otherwise corporally injure another person. With a view, therefore, to provide for the due administration of justice in such cases, and to deter all persons from the prosecution of unlawful criminal designs, by warning them that they will be responsible for acts done by them in prosecution of such evil designs, the following rules have been passed in modification of the Mahomedan law. Again, the penalties prescribed by the Musselman law for false testimony, whether on oath or without oath, are corporal punishment, imprisonment, and public ignominy; or, as denoted by the technical expression (tusheer) "public exposure;" but, in applying either of these modes of punishment, a discretion is, by the Mahommedan law, vested in the Magistrate, as in all cases of tazeer: and the danger of, and important evils consequent on perjury in the courts of justice requiring that this discretion should be used to check, and deter from, the future commission of a crime so dangerous and prejudicial to society, the provisions hereafter recited have for the purpose been passed. Finally, by Section XI. of Regulation V. 1799, and the

same

same Section of Regulation III. 1800, the Magistrates, previous to the sitting of the Courts of Session, are directed to ascertain, from persons committed or held to bail to take their trial before the Courts of Session, the names and places of abode of any witness or witnesses they may wish to have examined in their defence, and to issue the customary process to cause such witnesses to attend, at the time fixed for the trial of the persons on whose behalf they may be summoned, in pursuance of the principle which dictated the Regulation; and, in consideration of the great importance of a strict observance of it, both in justice to the parties brought to trial before the Courts of Session, and for the satisfaction of those courts and of the superior tribunal of the Governor in Council, that the fullest opportunity has been given to all prisoners brought before them to adduce evidence in support of their innocence, the following farther rules have been passed.

Magistrate may expel from his jurisdiction certain persons of evil repute.

II. The Magistrate is authorized to expel from within the limits of his jurisdiction all vagrants, thieves, robbers, and swindlers of noted evil repute, who are not settled inhabitants within the same, recording the circumstances and his motives for such expulsion, and submitting the same to the observation and judgement of the next Court of Session.

Observances thereon required for him.

Sentence to be passed on such parties if convicted of clandestinely returning within the jurisdiction.

III. In the event of the persons expelled under Section II. returning within the jurisdiction, without the sanction of the Magistrate, he is to apprehend their persons, and commit or hold them to bail for trial at the next Court of Session, which court is, upon conviction of any of the said parties, to sentence him, her, or them to hard labour on the roads, or in cleansing the streets, or repairing the fortifications, under custody of the Magistrate, and having light irons on their legs, for any period not exceeding two years; and, at the expiration of the term of their sentence, they are to be released, having on that occasion the sum paid to them prescribed by Section XXIV. of Regulation V. 1799, and by the same Section of Regulation III. 1800, provided the duration of their confinement shall have been equal to the period therein limited.

Convicts sentenced who may escape, to what punishment liable.

IV. Any convicts sentenced to imprisonment by the Courts of Session or by the superior tribunal of the Governor in Council, who during the period of their sentences may escape from jail, or other place of confinement, or from the roads, or any other place where they may be employed, and who may be re-apprehended, shall not only be liable to be kept in confinement the full term of their sentences, exclusive of the time which may have elapsed from the period of their escape till their re-apprehension, but are also declared liable to transportation to some place beyond sea, by order of the superior tribunal of the Governor in Council, either during the remaining period of their sentences or for a longer period, if the said tribunal shall, on consideration of the circumstances of the case, judge it proper to direct the same. The Magistrates are to report to the Governor in Council, in his superior tribunal, all cases which may fall within this Section, with their proceedings on the escape and re-apprehension of the prisoner, and their opinion whether his transportation should be extended beyond the period of his sentence or otherwise.

Report to be made, in such cases, by the Magistrates.

Convicts sentenced to confinement for life to be marked on the fore-

V. To facilitate the re-apprehension of convicts sentenced to confinement for life, who may make their escape from jail, all convicts of this description

head by the process termed godena.

are to have the following particulars inscribed on their foreheads, viz. their name, the crime of which they may have been convicted, the date of the sentence passed against them, and the designation of the court by which it may have been passed. This inscription is to be made by the process termed *godena*, by which the Hindoo women ornament their faces, and which leaves a blue mark that cannot be effaced without tearing off the skin.

Desire of the party slain to be put to death, no justification of wilful homicide, after the period fixed for enforcement of this Regulation.

VI. It shall not justify any prisoner convicted of wilful homicide, that he or she was desired, by the party slain, to put him or her to death; and in the event of the prisoner being convicted of the fact, to the satisfaction of the superior tribunal of the Governor in Council, and of its seeing no circumstances in the case which may render him or her a proper object of mercy, they shall sentence him or her to suffer death, whatever may be the futwa of the law officers under the Mahomedan or Hindoo law; the former of which in this instance also, although it withholds kissaus, gives a full latitude to the Magistrate in the discretionary punishment of tazeer or seeasut: and experience has shewn, in the Company's eastern territories, the necessity of inflicting the punishment for murder in such cases, to preserve the lives of many from the effects of passion or revenge, aided (especially in the province of Benares) by the erroneous prejudices of superstition; and as similar instances may occur, either in the city of Surat, or with more probability in the pergunnahs lately added to its jurisdiction, it is expedient thus early to provide against them.

Sentence of death to be passed in such cases, unless the prisoner be an object of mercy.

What sentence to be passed by the superior tribunal of the Governor in Council against persons convicted of wilful homicide; but declared not liable to death, under the Mahomedan law, on the ground of their accomplices being exempted from kissaus.

VII. If the futwa of the law officers declare any person convicted of wilful murder not liable to suffer death under the Mahomedan law, on the ground of one or more of his accomplices being exempted from kissaus under any of the circumstances recited in the preamble to this Regulation, or on any similar ground of exemption, the superior tribunal of the Governor in Council shall, notwithstanding such futwa, sentence the prisoner to suffer death, if in its judgment he or she be duly convicted, and be not a proper object of mercy: and, in all cases, if the accomplice in a wilful murder, though not the principal perpetrator of the murder, shall appear to the superior tribunal of the Governor in Council fully convicted and deserving of death, they are authorized, under the discretion given by the Mahomedan law in such cases, to sentence the prisoner to suffer death, whether the futwa of their law officers declare the same or otherwise.

Accomplices in wilful murder, though not the principal perpetrators, may be sentenced by the superior tribunal of the Governor in Council to suffer death.

Cases of wilful homicide by poison or drowning.

VIII. It has been already declared, in Section XXXIX, Regulation V. 1799, and in the same Section of Regulation III. 1800, that the Mahomedan law officers shall deliver their futwas according to the doctrines of Yusuf and Mahomed; respecting which, and the law of the Hindoos likewise, the Judges are authorized to refer to certain books of authority, and among others to a tract entitled "Observations" therein described; from which, and still more pointedly from the rules since adopted by the Supreme Government for the territories under their own immediate administration, the intention of the criminal, inferrible from the nature and circumstances of the case, and not merely the manner and instrument of perpetration (except as evidence of the intent), is to constitute the rule for determining the punishment. It is further hereby expressly declared, in conformity to the provisions made as above alluded to by the Supreme Government, that wilful

wilful homicide by poison or by drowning, when the intention of poisoning or drowning may be evident, is included in the above rule, and in all such cases the Courts of Session, and (as the case may be) the superior tribunal of the Governor in Council (whatever may be the futwa of the law officers), are to sentence the prisoner to suffer death; provided they judge him fully convicted of wilful murder, and that the last-mentioned tribunal do not consider him a proper object of mercy.

Sentence to be passed by the Courts of Session and by superior tribunal of the Governor in Council in such cases.

IX. Any person who may be convicted of having, deliberately and maliciously, intended to murder one individual, and of having, in the prosecution of such intention, accidentally killed another individual, shall, on account of the murderous intention and actual homicide, be liable to the punishment of murder, in like manner as if he had actually killed the person intended to be murdered. In all such cases, the law officers shall be required to state what punishment the prisoner would have been liable to if he had committed the murder intended by him; and if their futwa shall declare him in such case liable to suffer death, or if, under the futwa so given, and the modifications of the Mahomedan law contained in any previous section of this Regulation, or any other Regulation passed and published in conformity to Regulation I. 1799, the prisoner be liable to suffer death, the superior tribunal of the Governor in Council, provided it be established to their satisfaction that the prisoner intended to commit the crime of deliberate and malicious murder, and that the homicide charged against him was actually committed by him or her in the prosecution of such murderous intention, shall sentence the prisoner to suffer death, unless they shall see any circumstances which may, in their judgment, render him a proper object of mercy, in which case they are either to pardon the prisoner or to mitigate his punishment, as they shall judge proper, recording, in either case, their reasons for such pardon or mitigation.

Any person convicted of an intention to murder an individual, and having, in the prosecution of such intention, killed another person, shall be liable to the punishment of murder.

How the courts are to proceed in such cases.

X. The rule contained in the preceding section is to be considered equally applicable to any other cases of homicide which may be declared by the law officers to be within the Mahomedan law of kutl khota, kutl-kaeem-mokam-ba-khota, or other legal denominations of accidental homicide (of all which some explanation is contained in the "Observations" cited in the preceding section), but in which the prisoner shall be clearly convicted of having committed the homicide proved against him with a murderous intention, such as if carried into effect would have subjected him to a sentence of death, or with a deliberate intention to commit any crime that, if committed in pursuance of the prisoner's criminal design, would have rendered him liable to a sentence of death.

The foregoing rule declared applicable to all cases of accidental homicide, wherein the criminal intention of the party, if carried into execution, would subject him to a sentence of death.

XI. In like manner, after the date fixed for the operation of this Regulation, any person who may be convicted of having, subsequent thereto, unlawfully and maliciously intended to wound, maim, or otherwise do corporal injury to one individual, and of having, in the prosecution of such intention, accidentally wounded, maimed, or otherwise corporally injured another individual, shall be held punishable for the act committed by him with such unlawful and malicious intention, in like manner as if such act had been perpetrated on the person intended to have been wounded or otherwise injured. The law officers, in such cases, shall be required to state the punishment

Any person convicted of intending to maim, wound, &c. an individual, and, in the prosecution of such intention of maiming or wounding another, shall be liable to the same punishment as if his criminal intention had been put in execution.

Courts how to proceed in such cases.

punishment to which the prisoner would have been liable if he had committed the act of which he is convicted, upon the person intended to have been wounded, maimed, or otherwise injured by him, and the court of session shall pass sentence accordingly, or refer the trial to the superior tribunal of the Governor in Council, as the case may be referrible to that court, or otherwise, under the general regulations.

How the superior tribunal of the Governor in Council is to proceed in such case.

XII. In trials referred under the preceding section to the superior tribunal of the Governor in Council, the law officers of that superior tribunal shall also declare to what punishment the prisoner would have been liable, if the act of which he is convicted had been committed as intended by him; and the Court, after considering such exposition of the law with the whole of the proceedings in the case, are to pass such sentence on the prisoner, short of death, as they may judge adequate to his offence; or, if they consider him a proper object of mercy, may pardon him or her, recording their reasons.

Futwa to be given by the law officers of the Courts of Session in cases of conviction of wilful and corrupt perjury.

XIII. Persons accused of having given false testimony on oath, or under the solemn obligation allowed in certain cases to be substituted for an oath, in any judicial proceedings, civil or criminal, are liable to be tried on such accusation before the Courts of Session; and the law officers of those courts, whenever the prisoner may be convicted of wilful and corrupt perjury (as hereafter defined), are, in their futwa, to declare, if the culprit be a Mahomedan, whether he be liable to tusheer, according to the opinion of Haneefa, as well as the corporal punishment and imprisonment to which they may consider him liable, according to the opinion of Yusuf and Mahummud, the disciples of Haneefa; and the Judge, before whom the trial may be held, shall in such cases sentence the prisoner to the punishment to which he is declared liable, either according to the opinion of Haneefa or to that of his two disciples, as he may judge either mode of punishment the most advisable, on consideration of the condition of the prisoner and all the circumstances of the case; or in cases of great enormity, wherein he may judge the full punishment, according to the opinions of both Haneefa and his disciples, to be merited and required, shall sentence the prisoner to the whole punishment he may be declared liable to, according to both opinions, subject to a reference to the Governor in Council, under the provisions made for the same by Section XLII. of Regulation V. 1799, and the same Section of Regulation III. 1800. To obviate all doubt of what is meant by wilful and corrupt perjury in the cases here referred to, it is declared to be the wilful delivery of false evidence on oath, or under a solemn obligation esteemed equivalent to an oath, in some judicial proceeding, and in a matter material to the issue thereof.

Sentence to be passed by the Judges of the Courts of Session on the futwas so given.

Definition of the crime of wilful and corrupt perjury, referred to in this Regulation.

Judges of the Courts of Circuit authorized to direct an inscription, expressive of the crime committed, to be marked by the godena on the forehead of the prisoner in the cases referred to, when the usual mode of executing a sentence of tusheer may appear to them an insufficient punishment.

XIV. Whenever a sentence of tusheer may be passed against a prisoner in the cases stated in the preceding section, and the Judges before whom the trial may have been held shall be of opinion that the circumstances of the crime established against the prisoner, considered with the evidence for and against his general character, will not be sufficiently punished by the usual mode of public exposure in executing a sentence of tusheer, they are authorized to direct the words "*Deroghgo*," or such other words as in the most current local language may concisely express the nature of the crime, to be marked on the forehead of the prisoner, by the process commonly denominated

nated "*godena*," as already directed in a preceding section of this Regulation with respect to prisoners sentenced to imprisonment for life. But in exercising the discretion vested in the Judges of the Courts of Session by this Regulation, they are enjoined to observe the utmost deliberation and caution in forming their judgment upon the evidence against the prisoner, so that none but the proper objects of a perpetual stigma may in any instance be made liable to it; and whenever they may order the same to be inflicted, they are to record fully and specifically the grounds of such order upon their proceedings.

But enjoined to observe the utmost deliberation and caution in exercising this discretion, and to record the grounds on which they may order such stigma to be inflicted.

XV. The punishments for perjury according to the Hindoo law are recited and referred to in Sections XXXII. and LXXXVI. of the "Observations" adverted to in a preceding section of this code. But whenever their infliction may appear insufficient, according to the provisions contained in these sections, as far as the same may be confirmed by the expositions of the same law by the proper officers of the court, the same discretional recourse may, and is, to be had by the Court of Session, for the farther punishment of the party, as is provided in Section XV, in respect to false witnesses of the Mahomedan faith; and, in as far as shall concern Parsee and all other casts subject to the jurisdiction of the Courts of Session, the same latitude of punishment is authorized by the mode of *godena*, whenever the courts shall be of opinion that the prisoner convicted of perjury will not be sufficiently punished by the mere application of the specific penalty of the law to which he is liable.

Punishments of perjury by the Hindoo law.

Discretion vested in the Courts of Session in such instances.

And in respect to Parsee and other casts.

XVI. In all cases of a prisoner being committed or held to bail for trial before the Court of Session, the Magistrate shall, immediately after ordering him or her to be committed or held to bail, question the prisoner whether he or she wishes to have any witness or witnesses examined in his or her defence before the court of Session; and in the event of his or her answering in the affirmative, shall cause a list of the witnesses named by the prisoner, specifying their designations and places of abode, to be taken down and recorded upon his proceedings; or, in the event of the prisoner's replying in the negative, shall cause his or her reply to that effect to be recorded on his proceedings, for the information of the Court of Session.

Prisoner to be questioned at the time of his being committed or held to bail, and his answer recorded on the Magistrate's proceedings, with specification of any witnesses named by him.

XVII. An observance of the foregoing rule will leave all prisoners committed or held to bail for trial before the Courts of Session, without any just ground of complaint that they have not been allowed to bring witnesses in support of their innocence. But as it may happen that, from want of recollection or other cause, a prisoner, at the time of his or her commitment, may omit to name a witness whose evidence he or she may afterwards be desirous to adduce upon the trial, the Magistrates, in addition to the above rule, are still to consider Section XI, Regulation V. 1799, and the same Section of Regulation III. 1800, in full force; and in the event of any person, whether committed or held to bail for trial before the Court of Session, at any time before the assembling of that court, desiring the examination of any witness or witnesses upon his or her trial, although the same may not have been named by him or her at the time of his or her being committed or held to bail, they are to be careful to cause the attendance of such witnesses, as well as of those

In addition to the above rule, Section XI, Regulation V, 1799, and Section III, 1800, to be still considered in force, and any witnesses named before the sitting of the Court of Session to be summoned to attend the trial before that court.

before-named, at the time fixed for the trial of the party who may desire examination.

XVIII. The Magistrates are already required by Section XIII, Regulation V. 1799, and by Section XIII, Regulation III. 1800, to transmit, with their proceedings on each trial referred to the Court of Circuit, lists of the witnesses who may have been summoned at the requisition of the prosecutor or prisoner, specifying those who are in attendance and such as are absent, with the cause of the non-attendance of the latter. To furnish the Courts of Session with the fullest and most accurate information on the non-attendance of any absent witness, it is now further directed, that the above lists be accompanied with the original returns made to the Magistrate by the Nazir, or person deputed to serve the summons on any witness who may not be in attendance; and that the Nazir, or the person so deputed, be kept in attendance on the Court of Session, to answer any interrogatories which that court may judge it necessary to put to them. By this means, the Court of Session will be enabled to ascertain the real causes of the non-attendance of witnesses by their own inquiry; and it is expected they will, in every instance, make such inquiry as far as may be necessary to satisfy themselves, and the superior tribunal of the Governor in Council in cases referrible to it, that all due measures have been taken to cause the attendance of the whole of the witnesses, both on the part of the prosecutor and the prisoner.

Nazir, or person deputed to serve the summons, to be also in attendance on the Court of Session to answer interrogatories.

The Courts of Session are expected to ascertain that all due measures have been taken to cause the attendance of witnesses.

A. D. 1802. REGULATION IV.

A REGULATION *for establishing a Registry for Wills and Deeds, for the Transfer or Mortgage of real Property, as far as regards Surat and its Dependencies:* PASSED *by the Honourable the Governor of Bombay, on the 8th of July* 1802, *whilst at that Settlement in the full Possession and exclusive Exercise of the entire Powers of the Bombay Government, and thereafter confirmed by the Governor in Council on the 20th of August* 1802 *(corresponding with the 8th Shravan-vud, Sumbut or Vekramajet Era* 1859; *Salbahan,* 1724; *and 20th of Rubee ul akhur,* 1217 *Hejry).*

I. To give security to the titles and rights of persons purchasing real property, or receiving such property in gift, or advancing money on the mortgage of it, or taking it on lease, or other limited assignment; to prevent individuals being defrauded by buying, or receiving in gift, or lending money on mortgage, or taking on lease any such property that may have been so previously disposed of or pledged; the Judge of the Civil Court of Surat is prohibited, by Section XIV, Regulation I. 1800, from decreeing the payment or satisfaction of any sum due on a mortgage bond, entered into after the 1st of July 1800, unless such mortgage bond shall have been registered in his court at the time of passing it. Moreover, to afford persons the means of obviating, as far as may be practicable, litigation respecting the authenticity of their wills, or any written authority they may grant to their wives to adopt sons after their death, and that individuals may be able to provide against any injury to their rights or property by the loss or destruction of

deeds

deeds relating to transactions of the nature of those above specified, the following rules have been enacted.

An office for the registry of deeds to be established.

II. An office for the registry of deeds shall be established in the city of Surat.

To be superintended by the Register of the Civil Court.

The superintendence of the office shall be committed to the Register of the Civil Court of Surat and its dependencies, who shall take and subscribe the following oath before the Judge of the city, previous to his entering on the execution of the duties of the office.

Oath.

" I, A. B., solemnly swear, that I will truly and faithfully execute the " office of Register of Deeds for the city of Surat and its dependencies, and " that I will neither directly or indirectly derive any pecuniary or other " benefit whatsoever from the said office, excepting such as is or may be " allowed to me by this Regulation, or by any Regulation that may be " hereafter passed by the Governor in Council, and printed and published " in the manner directed in Regulation I. 1799: So help me God."

Memorials of the following deeds to be registered.

III. *First.* The Register is authorised and required to register memorials of the following deeds.

Deeds of sale and gift of real property.

Second. Deeds of sale or gift of lands, houses, and other real property.

Mortgages and incumbrances, and certificates of the discharge of them.

Third. Deeds of mortgage on land, houses, and other real property, as well as certificates of the discharge of such incumbrances.

Limited assignments and temporary transfers.

Fourth. Leases and limited assignments of land, houses, and other real property, including generally all conveyances used for the temporary transfer of real property.

Wills.

Fifth. Wusseatnamahs, or wills.

Authorities to women to adopt sons after the death of their husbands.

Sixth. Written authorities from husbands to their wives to adopt sons after their (the husband's) demise.

Option left of registering any of the deeds specified in the preceding sections, executed or that may be executed prior to 1st of September.

IV. It shall be left to the option of all persons to register or not, as they may think proper, any of the descriptions of deeds specified in the preceding section (mortgage bonds excepted) that have been executed, or which may be executed, prior to the 1st of September. The not registering such deeds shall in no wise operate to the prejudice of the rights of the parties thereto, which shall remain the same as if this Regulation had never been enacted.

Deeds specified in the three last clauses of Section III, whether executed before or after 1st September, may be registered or not at the option of the parties.

V. It shall also be left to the option of all persons to register or not, as they may think proper, the several descriptions of deeds specified in Clauses fourth, fifth, and sixth, of Section III, whether executed previous or subsequent to the 1st September. The not registering of the deeds specified in those three clauses shall in no wise operate to the prejudice of the rights of the parties thereto, which shall remain the same as if this Regulation had never been enacted.

Deeds of sale or gift executed subsequent to the 1st September.

VI. *First.* Every deed of sale, or gift, of the description specified in Clause second, Section III, that may be executed on or after the 1st of September, and a memorial of which shall be duly registered according to this Regulation, shall, provided its authenticity be established to the satisfaction of the court, invalidate any other deed of sale or gift for the same property, executed subsequent to the said date, which may not have been registered, and whether such second or other deed shall have been executed prior or subsequent to the registered deed.

Second.

Deeds of mortgage registered under Section XIV, Regulation I. 1800, to be discharged in preference to mortgages granted subsequent to that date not registered.

Second. Every deed of mortgage, of the description specified in Clause third, Section III, that shall have been or shall be registered, in pursuance of the requisition in Section XIV, Regulation I. 1800, and provided its authenticity be established to the satisfaction of the court, shall be satisfied in preference to any other mortgage on the same property executed subsequent to the said date, which may not have been registered, and whether such second or other mortgage shall have been executed prior or subsequent to the registered mortgage.

Qualification of the rules in the two preceding clauses, applicable to cases in which persons may purchase, take on gift, or mortgage property, knowing it to have been previously sold, given, or mortgaged.

Third. It being the object, however, of the rules in the two preceding clauses, to prevent persons being defrauded by purchasing, or receiving in gift, or taking in mortgage, real property which may have been before sold, given, or mortgaged; and as persons can never suffer such imposition when they are apprized of the previous transfer or mortgage of the property, it is to be understood, that if any person shall purchase, receive in gift, or take in mortgage, any real property, knowing such property to have been previously sold, given, or mortgaged to any other person, and that the deed of sale, gift, or mortgage, has not been registered, and shall register his own deed, in such case the deed of sale, gift, or mortgage of such subsequent purchaser, donee, or mortgagee, which may have been registered, shall not, from the registry of it, invalidate, or be discharged in preference to the unregistered deed of sale, gift, or mortgage, first executed, provided the authenticity of the latter be established to the satisfaction of the court.

In what office deeds are to be registered.

VII. The registry of all deeds shall be made in the Register office of the Civil Court, under the jurisdiction of which the property affected by them may be situated.

Each description of deeds to be registered in a separate book, paged and attested as herein directed.

VIII. *First.* Each species of deed shall be registered in a separate book, each leaf of which shall be paged, and be attested by the Judge of the Civil Court, who shall note in his own hand-writing, on the last page of each book, the number of pages contained in each book, and attest the note with his official signature.

No register shall be deemed authentic, excepting such as shall be so paged and attested.

Deeds registered to be numbered. Date of the registry, &c. to be noted in the margin of the register. Registers to be deposited in court.

Second. Every deed entered in a register book shall be numbered, and the date of the month and the year, as well as the time of the day when every deed may be registered, shall be noted in the margin of the register books, which shall be deposited amongst the records of the civil court.

Forms to be observed in the registry of deeds.

IX. *First.* The following forms shall, from the 1st of September next, be observed in the registry of deeds, of which due notice shall be issued by the Judge of the Civil Court of Surat.

Forms.

Second. The person or persons executing the deed, or his or their authorized representative, with one or more of the witnesses to the execution of it, shall attend at the Register's office, and prove, by oath before the Register, the due execution of the deed; upon which the Register shall cause an exact copy of the deed to be entered in the proper register book, and after having caused it to be carefully compared with the original, shall attest the copy with his signature, and shall also cause the parties, or their authorized representatives in attendance, to subscribe their signatures to the copy, in the presence of two creditable witnesses (whose names shall also be subscribed

scribed thereto), and shall then return the original, with a certificate under his signature endorsed thereon, specifying the date, and the time of the day on which such deed shall have been so registered, with references to the book containing the registry thereof, and the page and number under which the same shall have been entered therein.

Certificates of the registry of deeds to be considered as evidence of their registry.

X. The certificate of the Register, endorsed agreeably to the forms described in Clause second of the preceding Section, shall be considered in all courts of justice to be sufficient evidence of the registry.

Register to allow all persons to inspect the register books, and to grant copies of deeds. Copies of registered deeds lost or not forthcoming, to be considered as evidence of the originals, the execution of the latter being proved by the subscribing witnesses.

XI. The Register shall, on application being made to him, allow all persons to inspect the register books, as well as grant copies of all deeds registered by him to persons whom they may concern; and such copies, in the event of the originals being lost, destroyed, or not forthcoming, shall be received as sufficient evidence of such deeds in all courts of justice whatever, proof being made by the subscribing witnesses to the original deed that the original was duly executed.

Persons counterfeiting or falsifying entries in the register books or certificates to be prosecuted criminally.

XII. If any person or persons shall, at any time, be suspected, on sufficient grounds for commitment, of counterfeiting or falsifying any entry in any of the register books ordered to be kept, or any certificate, such as is directed to be granted by this Regulation, he or they shall be prosecuted on the part of Government in the Court of Session, and the several Registers shall, as agents for the prosecution, adopt every legal measure in their power for the proof of the crime, and the due execution of the laws against the offender.

Hours for the registry of deeds.

XIII. Every Register shall attend at his office for the dispatch of all business belonging thereto, during certain specified hours each day, between sunrise and sunset (Sundays and holidays excepted), and after determining the particular hours of such attendance, he shall affix a written notice thereof in some conspicuous part of his office for general information.

Fee to be allowed to the Register for registering deeds, furnishing copies, and making searches.

XIV. The Register shall be allowed a fee of two rupees for every deed registered by him, which he is also authorised to collect on his registries hitherto, under Section XIV, Regulation I. 1800; such fee to be paid by the party causing the same to be registered, and no more. A fee of one rupee for every copy furnished of a deed registered by him, to be paid by the party applying for such copy, and no more; and a fee of half a rupee for every search made on an inspection of the register, to be paid by the party inspecting the same, and no more. The Register is authorised to refuse the official acts required from him until these fees be paid; and from such fees he shall provide the necessary native officers to make the entries and copies directed, as well as the requisite stationary.

Register may refuse to perform the official acts required of him until the fee be paid.

To defray the expense of the office from the fees.

Registers may appoint deputies to officiate for them in the cases and under the rules herein specified.

XV. The Registers are permitted, in case of absence from their stations, or any other disqualification from personal attendance to the duties of their office, to appoint (with the approbation of the Judge to whom they may be Registers, respectively) a Deputy, being a convenanted servant of the Company, and duly qualified, to act for them; and such deputy, so appointed and approved, after taking a similar oath to that prescribed for the Register, shall be authorised to perform the several acts which the Register is hereby empowered to perform. This permission, however, is to be expressly confined to the cases stated; and the Registers, when present at their stations,

are not to be allowed to employ any deputy, but are to be required to discharge personally the duties of the office committed to them.

Judge to furnish the Cauzees with a translate of this Regulation.

XVI. A copy of the translate of this Regulation to be transmitted by the Judge to all the Cauzees under his jurisdiction, for their information and guidance.

A.D. 1802. REGULATION V.

A REGULATION *for limiting the Interference of the Civil Courts in the Execution of Wills, and Administration to the Estates of Persons dying intestate.*

PASSED, *as far as regards Surat and its Dependencies, by the Honourable the Governor of Bombay, on the 8th of July* 1802, *whilst at that Settlement in the full Possession and exclusive Exercise of the entire Powers of the Bombay Government, and thereafter confirmed by the Governor in Council on the 20th of August* 1802 *(corresponding with the 8th Shravan Vud, Sumbut, or Vekramajit Era,* 1859; *Salbahan,* 1724; *and 20th of Reebee ul akhur, ... Hejry).*

I. FOR the purpose of regulating to what extent, and in what manner, the Judges of the Civil Courts are authorized to interfere in cases wherein the inhabitants within their jurisdiction may have left wills at their decease, and appointed executors to carry the same into effect, or may have died intestate leaving an estate real or personal, the following Regulation is passed.

Executors to Hindoos, Mahommedans, and others, may take charge of the estate of the deceased, and proceed in execution of their trust, without any application to the Judge or other officer of Government.

II. In all cases of a Hindoo, Mussulman, or other person subject to the jurisdiction of the Civil Courts, having at his death left a will, and appointed an executor or executors to carry the same into effect, the executors so appointed are to take charge of the estate of the deceased, and proceed in the execution of their trust, according to the will of the deceased and the laws and usages of the country, without any application to the Judge of the Civil Court or any other officer of Government for his sanction; and the courts of justice are prohibited to interfere in such cases, except on a regular complaint against the executors for a breach of trust, or otherwise, when they are to take cognizance of such complaint, in common with all others of a civil nature, under the general rule contained in Section VII, Regulation III. 1799, and Section VII, Regulation I. 1800, and proceed thereupon according to the Regulations, taking the opinion of their law officers upon any legal exceptions to the executors, as well as upon the provision to be made for the administration of the estate in the event of the appointed executor being set aside, and generally upon all points of law that may occur, with respect to which the Judge is to be guided by the law of the parties as expounded by his law officers, and by the farther provisions made in Section XIV, Regulation IV. 1799, and Section XIV, Regulation II. 1800.

Courts of justice prohibited to interfere in such cases except on a regular complaint.

To proceed on such complaint according to the Regulations, taking the opinion of their law officers on all points of law.

Heirs of persons dying intestate entitled to succeed to the whole estate, or their guardians, not required to apply to courts of justice for permission to take possession of the estate, as far as can be

III. In a case of a Hindoo, Mussulman, or other person subject to the jurisdiction of the Civil Court, dying intestate, but leaving a son or other heir, who by the laws of the country may be entitled to succeed to the whole estate of the deceased, such heir, if of age, and competent to take the possession and management of the estate, or if under age, or incompetent, his guardian

guardian or nearest of kin, who by special appointment, or by the law and usage of the country, may be authorized to act for him, is not required to apply to the courts of justice for permission to take possession of the estate of the deceased, as far as the same can be done without violence, and the courts of justice are restricted from interference in such cases, except a regular complaint be preferred, when they are to proceed thereupon according to the general Regulations.

done without violence; and courts of justice restricted from interference without a regular complaint.

IV. If there be more heirs than one to the estate of a person dying intestate, and they can agree amongst themselves in the appointment of a common manager, they are at liberty to take possession, and the courts of justice are restricted from interference without a regular complaint, as in the case of a single heir; but if the right of succession to the estate be disputed between several claimants, one or more of whom may have taken possession, the Judge, on a regular suit being preferred by the party out of possession, shall take good and sufficient security from the party or parties in possession, for his or their compliance with the judgment that may be passed in the suit; or in default of such security being given within a reasonable period, may give possession, until the suit may be determined, to the other claimant or claimants who may be able to give such security, declaring at the same time that such possession is not in any degree to affect the right of property at issue between the parties, but to be considered merely as an administration to the estate for the benefit of the heirs, who may, on investigation, be found entitled to succeed thereto.

More heirs than one to the estate of an intestate may appoint a common manager, and take possession as in the case of a single heir.

But if the right of succession be disputed, the Judge, on a regular suit, to take security from the party in possession.

Or in default of such security, may put the other claimants, giving it, in possession.

Such possession not to affect the right of property.

V. In the event of none of the claimants to the estate of a person dying intestate being able to give the security required by the preceding section, and in all cases wherein there may be no person authorized and willing to take charge of the landed estate of a person deceased, the Judge, within whose jurisdiction such estate may be situated (or in which the deceased may have resided or the principal part of the estate may lie, in the event of its being situated within two or more jurisdictions) is authorized to appoint an administrator for the due care and management of such estate, until, in the former case, the suit depending between the several claimants shall have been determined, or in the latter case, until the legal heir to the estate, or other person entitled to receive charge thereof as executor, administrator, or otherwise, shall attend and claim the same; when, if the Judge be satisfied that the claim is well founded, or if the same be established after any inquiry that may appear necessary, the administrator appointed by the court shall deliver over the estate to him, with a full and just account of all receipts and disbursements during the period of his administration.

In what cases the Judge may appoint an administrator for the care and management of the estate of an intestate;

and when such administration is to cease.

VI. In all instances of an administrator being appointed under this Regulation, he is, previous to entering upon the execution of his office, to give good security for the faithful discharge of his trust in a sum proportionate to the extent thereof; and the Judge appointing him is authorized to fix for him (subject to the approbation of the court of Sudder Adawlut, to whom a report is to be made in such instances) an adequate personal allowance, to be paid out of the proceeds of the estate, and to be a per-centage thereupon after deducting the expenses of management.

Security to be taken from administrators appointed under this Regulation; and in what manner their allowance is to be fixed.

VII. The

Judges how to proceed in cases of persons dying intestate, leaving personal property to which there may be no claimant.

VII. The Judges of the Civil Courts, on receiving information that any person within their respective jurisdiction has died intestate, leaving personal property, and that there is no claimant to such property, are to adopt such measures as may be necessary for the temporary care of the property, and to issue an advertisement in the current languages of the country, requiring the heir of the deceased, or any person entitled to receive charge of his effects, to attend for this purpose. Such advertisement to be published on the spot where the property was found, at the cutcherry of the court, and, if ascertainable, at the dwelling place of the deceased; or if the deceased were an European, or native of any part of Asia without the bounds of India, in the Bombay Courier; after which should any person attend and satisfy the Judge of his title to the property, or to receive charge thereof as executor, administrator, or otherwise, the same is to be delivered up to him, on repayment of any necessary expense incurred in the care of it. Should no claim be preferred within the twelve months next ensuing, an inventory of the property and report of the circumstances of the case is to be transmitted to the Governor in Council for his orders.

A.D. 1802. REGULATION VI.

A REGULATION *for preserving complete the Records of the Civil and Criminal Courts of Judicature, and requiring the Courts to transmit Monthly Reports of the Suits decided by them to the Sudder Adawlut at Bombay:* PASSED, *as far as regards Surat, by the Honourable the Governor of Bombay on the 8th of July* 1802, *whilst at that Settlement in the full Possession and exclusive Exercise of the entire Powers of the Bombay Government, and thereafter confirmed by the Governor in Council on the 20th of August* 1802 *(corresponding with the 8th Shravan Vud, Sumbut or Vekramajit Era,* 1859; *Salbahan,* 1724; *and 20th of Rubee ul akhur,* 1217 *Hejry).*

I. To obviate injuries arising to public or private rights or property by the loss, destruction, or removal of the records of the courts of judicature; and with a view to facilitate reference to them, and that the Sudder Adawlut may have in their possession a record of the number and nature of the causes filed and decided in the subordinate civil courts, and the time they may have been depending, and the substance of the decision respecting them; and that the Honourable Court of Directors may be apprized of the decisions of the Sudder Adawlut, the following rules have been enacted.

Two native keepers of the records to be appointed to keep the records of the civil and criminal courts.

II. Two native keepers of the records shall be appointed to keep the records of the civil and criminal courts in each division, and in the Sudder Adawlut, and in the superior tribunal of the Governor in Council.

To hold the offices during their good behaviour, and to be removable only by the Governor in Council.

III. The keepers of the records shall not be removed from their offices, but for misconduct proved to the satisfaction of the Governor in Council. The offices, however, are declared not to be hereditary.

To keep a list of the records in a book paged and attested, as herein directed.

IV. The keepers of the records are to keep a register, in the Persian, Guzerat, or Marhatta languages, of all the civil and criminal proceedings, documents,

documents, and other records belonging to the court, to which they may respectively be attached, in a book, each leaf of which shall be attested by the official signature of the Register and Assistant to the Judges and Magistrates of the civil courts, and the Registers to the Court of Session and the Sudder Adawlut, and the superior tribunal of the Governor in Council, and on the last leaf of which they shall specify, in their own hand-writing, the number of pages contained in the book. The existing records are to be first registered, and the keepers of the records are to prepare a list of them immediately upon the receipt of this Regulation.

Number of the page on which papers are registered to be endorsed on the back of them.

V. The keepers of the records are to endorse upon the back of every paper or document which they may enter in the register, the number of the page in which it may be registered, and the endorsement is to be attested with the official signature of both or either of them.

Keepers of the records to be careful that papers are not destroyed by damp or otherwise.

VI. It shall be the duty of the keepers of the records to see that the records of the court are not destroyed by insects, damp, or otherwise, and that they are not removed without the orders of the court.

To be liable to dismission if papers are destroyed by their neglect, or shall not be forthcoming, and they shall not be able to give a satisfactory account of them.

VII. If any records entered in the register shall be destroyed in consequence of the neglect or any omission of the keepers of the records, or if any such records shall not be forthcoming, and they shall not be able to give a satisfactory account of them, they shall be liable to dismission from their offices.

To observe any rules prescribed to them by any Regulation, printed and published in the manner directed by Regulation I. 1799.

VIII. The keepers of the records are to be careful to attend to any rules or orders respecting the duties of their office, that may be prescribed to them by any Regulation printed and published in the manner directed by Regulation I. 1799, and also to any directions that may be given to them by the court to which they may be attached, or the Register thereof, for the better keeping, preserving, or registering the records.

Book of daily proceedings to be kept in each civil court.

IX. The civil courts at the cities of Surat and town of Salsette are to keep a book, in which the daily proceedings in each cause, and every order or act of the court, are to be minuted, in the Persian or Guzerat at the former, and in the Marhatta language at the latter. The plaint, answer, reply, and rejoinder of the parties, and every deposition, exhibit, and paper whatever, read and filed in each cause, is to be minuted and referred to in this book, by marks or numbers, corresponding to marks or numbers to be endorsed on each document when it may be read in the cause.

Entries to be made in it.

A separate and complete record of each cause to be kept in the form herein prescribed.

X. Complete records, also, numbered in the order in which the causes may be tried, are to be kept in each civil court, in the following form, *viz.* Upon the decision of a cause, the plaint, answer, reply, and rejoinder, and all the pleadings, allegations, acts, and defaults of the parties, depositions of the witnesses, exhibits, and all other evidence, all orders of the court, and the returns thereto in the order in which they may be made, the decree, the order for the execution of it, and the return specifying how the decree has been executed, and all proceedings whatsoever, are to be written on a roll of strong paper, in the language in which the petition, answer, or other pleadings, depositions, or exhibits, respectively, may have been originally

made. But every act and order of the court is to be uniformly entered in the Persian or Guzerat language in the court at Surat, and in the Marhatta language in that of Salsette; and where depositions or exhibits shall be in any other language than those above specified respectively, they are to be entered in the language in which they may be made or written, together with faithful translates in the afore-specified country tongues respectively. This record is to be authenticated by the seal of the court and the signature of the Judge, and to be countersigned by the Serishtadar, or other head native officer of the court. The record is to be kept in this form by the Register amongst the muniments of the court, and it shall be and remain a record of the court, and a copy of it, authenticated by the seal of the court and the signature of the Judge, and countersigned by the Serishtadar or head native ministerial officer of the court, is to be deemed and received as good evidence of such record in any court of judicature.

How the record is to be authenticated.

Monthly abstract register to be kept by the Judges of the civil courts.

XI. The Judge of the Civil Court is to keep a monthly abstract register, in the English language, of causes decided, drawn out in the following form, on paper of the size which the Sudder Adawlut may prescribe. A copy of the register for each month is to be dispatched, by the fifteenth of the following month, to the Sudder Adawlut.

Abstract Register of Causes decided in the Civil Court of....., in the Month of..... 18...

No. of the Register.	Names of the Parties.	Substance of the Suit.	The Decree.	Date on which the Suit was filed in the Civil Court.	Date of the Decree.
1	Gorcmohun Poddar versus Radakaunt Roy.	For the recovery of a debt of 500 rupees on bond with interest.	Decree to Plaintiff 100 rupees principal, 420 rupees interest, and 10 rupees cost.	1st May 1803.	10th July.
2	Ramnarain Ghore versus Bowanny Churn Mitre.	For the recovery of 50 rupees, the value of a boat.	Dismissed, plaintiff having filed a razeenamah.	10th ditto.	15th ditto.
3	Chucka Ram versus Sam Poddar.	For the recovery of one-half of a wuzeefa, annual produce 501 rupees.	Ditto.	10th ditto.	16th ditto.
4	Mahomed Ally versus Sook Loll.	For 600 rupees, a balance of rent.	Dismissed, with 100 rupees costs to defendant.	20th ditto.	30th ditto.

Half-yearly report of undecided causes to be sent by the civil courts to the Sudder Adawlut.

XII. On the 1st of January and the 1st of July in each year, the Judges of the Civil Court are to transmit to the Sudder Adawlut a report of all causes remaining undecided in the court. The report is to be drawn out in the following form, on paper of the size which the Sudder Adawlut may prescribe.

Report of Causes depending in the Civil Court of....., on the 1st January (or 1st July) 18...

No. of the Register.	Names of the Parties.	Substance of the Suit.	Date on which the Suit was filed.	Remarks.
10	Ramnarain Ghore versus Bowanny Churn Mitre.	For the recovery of 50 rupees, the value of a boat.	1st May 1803.	When any suits are entered in a half-yearly report which have been inserted in any preceding half yearly report, the Judge is to state in this column the cause of such suits remaining undecided.

Sudder Adawlut to keep proceedings and separate records of causes as prescribed in Section IX.

XIII. The Sudder Adawlut is to keep a book of daily proceedings, and a separate record of the appeals or causes which may be decided by them, in the same manner as is prescribed in Section IX.; with this difference, that the entries in the book are to be attested by the Register instead of the Judges of the Court.

Sudder Adawlut to submit to the Governor in Council, for the Court of Directors, a half-yearly abstract of causes decided by them.

XIV. On the first of January and the first of July in each year, the Sudder Adawlut is to transmit to the Governor in Council, to be forwarded to the Honourable Court of Directors, an abstract register of the causes decided by the court during the preceding six months, drawn out in the following form.

Abstract of Decrees passed by the Court of Sudder Adawlut, from the 1st of January to the 30th of June (or from the 1st July to the 31st December) 18...

No.	Names of the Parties.	Subject of the Appeal.	Decree of the Adawlut.	Date on which the Appeal was filed in the Sudder Adawlut.	Date of the Decree of the Sudder Adawlut.
1	Ram Rutton, appellant, versus Abhay Chuin, respondent.	The right to the estate of...., in the island of Salsette, annual produce rupees one thousand, decreed to respondent.	Confirmed the decree of the civil court, with 100 rupees costs to respondent.	24th December 1803.	17th January 1804.
2	Bhowanny Persh, appellant, versus Nilkaunt, respondent.	The right to certain land exempted from the payment of revenue in the villages of Ramgur and Pertaubpore, in the pergunnah of Chowrassy, annual produce rupees 1100, decreed to respondent.	Confirmed the decree of the civil court, with 50 rupees costs to respondent.	20th January 1804.	17th March 1804.
3	Ram Hurry, appellant, versus Gourchund, respondent.	The proprietary right in the talook of Futtypore, in the pergunnah of Chickly, in the division of Surat, annual produce rupees 5000, decreed to respondent.	Confirmed the decree of the civil court, with 400 rupees costs to respondent.	28th January 1803.	20th April 1803.
4	Mahomed Eslam, appellant, versus Bishenant, respondent.	For two thousand rupees, a balance of rent of land in Salsette, decreed to respondent.	Reversed the decree of the civil court, with 200 rupees costs to appellant.	10th February 1802.	31st May 1804.

A. D. 1802. REGULATION VII.

A REGULATION *for granting Commissions to Natives to hear and decide Civil Suits for Sums of Money or personal Property, of a Value not exceeding fifty Sicca Rupees, and prescribing Rules for the Trial of the Suits, and enforcing the Decisions which may be passed upon them:* PASSED, *as far as regards Surat and its Dependencies, by the Honourable the Governor of Bombay, under date the 9th of July* 1800, *whilst at that Settlement in the full Possession and exclusive local Exercise of the entire Powers of the Bombay Government, and thereafter confirmed by the Governor in Council on the 20th of August* 1802 *(corresponding with the 8th Shravan Vud, Sumbut or Vekramajit Era,* 1859; *Salbahan,* 1724; *and 20th of Rubee ul akhur,* 1217 *Hejry).*

I. FORASMUCH as it may tend to the more expeditious and effectual administration of justice, that Commissioners be authorized, under specific limitations, to hear, try, and decide causes of a certain amount and description, the following rules have been enacted.

Commissions to be granted to Mahomedans, Parsees, and Hindoos, to determine suits for money or personal property not exceeding fifty rupees.

II. Commissions shall be granted to Mahomedans, Parsees, and Hindoos, residing within the jurisdiction of the Judge's court, to try and determine suits for sums of money or personal property, not exceeding in amount or value fifty rupees.

Commissioners to be nominated by the Judges, and approved by the Sudder Adawlut.

III. *First.* The Commissioners are to be nominated by the Judge and approved by the Sudder Adawlut; but no person shall be allowed to act as Commissioner until the previous sanction of that court to his nomination shall have been obtained.

Commissioners to receive sunnuds, under the seal and signature of the Judge.

Second. The Commissioners shall receive sunnuds of appointment under the seal and signature of the Judge of the court under which they may act.

Commissioners not to be removed without sufficient cause, proved to the satisfaction of the Sudder Adawlut.

Third. No Commissioner shall be removed from his office, during the period for which his Commission may be declared to be in force, without sufficient cause, proved to the satisfaction of the Sudder Adawlut.

Rules for the appointment of the city Commissioners, the duration of their commissions, and their powers.

IV. *First.* The following rules are prescribed regarding the appointment of the Commissioners, the duration of their commissions, and their powers.

City Cauzies under the respective jurisdictions to be nominated Commissioners.

Second. The Cauzies of the cities and towns which are the seats of the Judges' courts, shall be nominated Commissioners in virtue of their office, and shall attend at the cutcherry, or court-house, for the trial and decision of suits three days in each week, or as often as the Judge may direct.

Judges to nominate persons of character and ability to officiate as Commissioners.

Third. The Judge is likewise authorized to nominate persons of acknowledged character and ability, who may be willing to undertake the trust, to officiate as Commissioners in their respective jurisdictions. The number of Commissioners of this description shall be such, that the Judge may not have occasion to refer to them, respectively, more causes than they may be able to determine with promptness, and without occupying a greater proportion of their time than their own affairs will admit of their appropriating to the discharge of their trust.

Causes may be referred to two or more Commissioners jointly,

Fourth. The Judge is to make it a general rule to refer causes to the Commissioners singly; but in cases in which, for special reasons, it may appear

to

to him advisable, he is empowered to refer causes to two or more Commissioners jointly.

but in general to be referred to a single Commissioner.

Fifth. The commissions of the Cauzies are to remain in force whilst they hold their offices, and those of the other Commissioners whilst their general residence may be within the limits of the court's jurisdiction, and no longer.

When the commissions are to expire.

Sixth. The Commissioners in Surat and Randier are to act in the following capacities: firstly, referees (Aumeens), in which capacity they shall hear and determine such suits as may be referred to them by the Judge's court; secondly, arbitrators (Salisâan), in which capacity they are to hear and determine such suits as persons, whether residing within or without the limits of the city or town, may voluntarily submit to their decision by arbitration bonds.

City and town Commissioners to act in the two capacities of referees and arbitrators.

V. *First.* The following rules are prescribed respecting the appointment of the Commissioners without the city of Surat or town of Randier, the duration of their commissions, and their powers.

Rules respecting the appointment of the Commissioners without the town or city, the duration of their commissions, and their powers.

Second. The number of Commissioners to be selected in each division, where local circumstances will admit, shall be such that the court may not be under the necessity of obliging a defendant, wherever he may reside, to proceed a greater distance than five coss, to answer any suit that may be preferred against him.

Rule for determining the number of Commissioners for the city of Surat and town of Randier.

Third. The Commissioners shall be selected from amongst the following descriptions of persons, and the Judges are enjoined to nominate those who may be best qualified for the trust by their character and abilities. Firstly, the local or country Cauzies in office; Secondly, principal landholders or farmers of land or other fund productive of revenue to, and holding their farms immediately of Government; Thirdly, Comavisdars or Tehsildars, or other description of principal officers of Government employed in the collection of the public revenue; Fourthly, creditable merchants, traders, and shopkeepers, or other persons of property and acknowledged character, residing in towns, bazars, mundovees, or other assemblage of inhabitants, of sufficient extent to require the appointment of a separate Commissioner therein for the determination of suits; Sixthly, Altumgahdars and Jaghiredars, possessing considerable altumgahs or jaghires, or the persons appointed by them to manage their altumgahs or jaghires. Of the Commissioners above-named, the Cauzy of Surat is to decide the suits that may be referred to him at the cutcherry or court-house of the Judge, where he is to attend for that purpose as often as may be necessary. If he, or any of the other local or country Cauzies, be deemed by the Judge unqualified, in any respect, for the duties prescribed to them, he is to inform the Sudder Adawlut, and recommend competent persons to succeed to their offices.

From what description of persons the Commisioners shall be selected.

Local or country Cauzies in office.

Landholders, farmers.

Comavisdars, Tehsildars, and other description of Government officers collecting the revenues.

Creditable merchants, &c. in the principal towns, bazars, &c.

Altumgahdars and Jaghiredars.

Cauzies who are unqualified for the trust to be removed, and fit persons appointed in their room.

Fourth. The commissions of the local or country Cauzies are to remain in force whilst they hold their offices and no longer. Those of landholder are to be in force no longer than they may have the management, and are responsible to Government for the public revenue assessed on their respective estates. The commissions of farmers of land, or other fund productive of revenue to, and holding their farms immediately of Government, are to expire with their leases respectively, as are those of Tehsildars, and other description of principal officers of Government employed in the collection of the public revenue with their employments. The commissions of the Com-

Rules respecting the duration of the Commissions of the Commissioners situated beyond the city of Surat and the town of Randier.

missioners in the large towns, bazars, mundovees, or other assemblages of inhabitants, shall remain in force whilst their general residence may be within the limits of such place, and no longer. The commissions of Altumgahdars and Jaghiredars shall cease on the resumption of their altumgahs or jaghires, and those of the managers of their altumgahs and jaghires on their removal from their employment.

Sudder Adawlut may dispense with the rules in the preceding clause.

Fifth. The Sudder Adawlut, however, may, for special reasons, dispense with the rules contained in the preceding clause, regarding the duration of commissions, in any cases in which it may appear to them advisable.

Commissioners of the description hereinmentioned to act in the distinct capacities of referees, arbitrators, and Munsiffs.

Sixth. Commissioners, being landholders, farmers of land or other fund productive of revenue to, and holding their farms immediately of Government, Comavisdars or Tehsildars, or other description of principal officers of Government employed in the collection of the public revenue, Altumgahdars and Jaghiredars, shall act in the two first of the three following capacities, and any of the Commissioners above described in this clause, in whose ability and character the Judge and the Sudder Adawlut shall repose special confidence, may be empowered to act also in the third capacity. First, referees (Aumeens), in which capacity they are to hear and determine such suits as may be referred to them by the Adawlut; Secondly, arbitrators (Salisâan), in which capacity they are to hear and determine such suits as persons, wherever residing, may voluntarily submit to their decision by arbitration bonds; Thirdly, Munsiffs, in which capacity they are empowered to receive, try, and determine, of their own authority, without any order from the Adawlut or application thereto by the plaintiff, such suits as may be preferred to them against persons being under-renters or Ryots on the estate, farm, jaghire, or altumgah, in virtue of which they may be vested with the office of Commissioner. But the terms "under-renters and Ryots" are to be considered to extend only to such persons as are *bonâ fide* under-renters and Ryots, or cultivators of land by profession, and are not to be construed to include merchants, traders, and shopkeepers, or other persons residing in the towns and villages, who only rent or hold on pettah land attached to their dwelling houses or for gardens. The Sudder Adawlut, however, are empowered to extend the jurisdiction of a Munsiff to any circumjacent estates or farms, in cases in which it may appear to them advisable.

Other Commissioners to act as referees and arbitrators only.

Seventh. The Cauzy of Surat, the local or country Cauzies, and the Commissioners in the large towns, bazars, mundovees, or other assemblage of inhabitants, are to exercise the functions of referees and arbitrators only.

Exception.

The Sudder Adawlut may, however, in instances in which they may deem it advisable, empower such Cauzies and Commissioners to act as Munsiffs also, specifying in their commission the limits of their jurisdiction, and the descriptions of persons over whom their authority is to extend.

Form of the Commissions to be granted by the Commissioners.

VI. The Judge of Surat is to grant commissions (sunnuds), under his seal and signature, to the persons who may be appointed Commissioners, in the following form:

"I, A. B., Judge of ....., in virtue of the powers vested in me by "Regulation ....., 1802, appoint you, ..., Commissioner, with "the powers of referee (Aumeen) and arbitrator (Salis), and (if the Commis- "sioner be appointed Munsiff also) Munsiff, for trying and deciding suits for "sums

" sums of money or personal property not exceeding fifty sicca rupees, which " may be referred to you by the court in your capacity of referee (Aumeen), " or that may be submitted to you by the parties by arbitration bonds, in " your capacity of arbitrator (Salis), or (if the Commissioners be a Munsiff " also) that may be preferred to you, in the first instance, in your capacity " of Munsiff, against any invidual coming within the description of the " persons subject to your jurisdiction, as described in Clause sixth, Section V. " of the above-mentioned Regulation, and residing in your estate, farm, " jaghire, altumgah, or other lands, the rents and revenues of which are " collected by you. You are to fix up this commission in the room or place " in which you may try and decide the suits that may come before you, in " either of the capacities above-mentioned, and are not, on any account, to " try or decide any suit without so fixing up this commission, or a counter- " part or copy of it, under the seal and signature of the Judge. You are to " try and decide all such suits, and to exercise the authority vested in you " agreeably to the rules prescribed in Regulation IV. 1799, and Regulation " II. 1800, or such other Regulations as may be hereafter passed by the " Governor in Council, and printed and published as prescribed in Regula- " tion I. 1799.

" You are to exercise the powers of Commissioner, herein vested in you " (if the Commissioner be a Cauzy), so long as you may hold the office of " Cauzy of....., or (if the Commissioner be a landholder) so long " only as you may pay the revenue assessed thereon to Government, or (if " the Commissioner be a farmer of land) so long only as you may hold the " farm of....., or if (the Commissioner be a Comavisdar, Tehsildar, " or other description of principal officer of Government employed in the " collection of the public revenue) so long as you may hold the said office, " or (if the Commissioner be an Altumgahdar, Jaghiredar, or a person vested " with the management of an altumgah or jaghire) so long as you may hold " the altumgah or jaghire, or be entrusted with the management of the al- " tumgah or jaghire of....."

VII. *First.* Every Commissioner, previous to entering upon the execution of the duties of his office, shall take and subscribe the following oath before the Judge of Surat and its dependencies, in which he may be appointed to officiate, or any person whom he may commission to administer it. Oath to be taken by the Commissioners.

" I, A. B., (designation of the Commissioner as landholder or farmer " of....., &c.), appointed Commissioner for trying and determin- " ing civil suits for sums of money or personal property not exceeding in " amount or value fifty sicca rupees, solemnly swear, that I will impartially " determine the suits that may come before me for decision in my capacity " of referee (Aumeen), arbitrator (Salis), and (if the Commissioner be a " munsiff) Munsiff, according to the best of my abilities and judgment, and " that I will not directly or indirectly receive (otherwise than the Regula- " tions of Government may allow), or knowingly admit any other person to " receive any money, effects, or property, on account of any suit that may " come before me for decision, and that I will in all respects truly and faith- " fully execute the trust reposed in me."

Second.

Declaration to be subscribed by Commissioners who may be exempted from taking oaths.

Second. If any person who may be appointed Commissioner shall object to taking the oath, and he shall come within the description of the persons exempted from taking oath by Section VI, Regulation II. 1800, on account of their rank or cast, the Judge is empowered to exempt him from taking the oath, and to cause him to subscribe a written declaration to the same effect.

No person to be allowed to officiate as Commissioner until they have taken the oath, or subscribed the declaration.

Third. No person shall be allowed to officiate as Commissioner until he has taken the oath, or subscribed the declaration above directed; and the oaths and declarations, so subscribed, are to be deposited amongst the records of the Civil Court at Surat.

Commissioners liable to prosecution for corruption, or oppressive and unwarranted acts.

Punishment on conviction.

VIII. Commissioners shall be liable to prosecution in the Civil Court for corruption in the discharge of their trust, and for any oppressive and unwarranted act of authority; and upon proof of the charge, to the satisfaction of the Judge, he shall, in the first-mentioned case, adjudge the offender to pay to the prosecutor three times the amount or value of the money or property corruptly received, with all costs of suit; and in the second, award such damages and costs to the party injured as may appear to him equitable.

Commissioners not liable to prosecution for errors or want of form in their proceedings. No process to be issued against a Commissioner on charges for which he is declared liable to prosecution, until the Judge shall be satisfied, by previous inquiry, that there is sufficient foundation for them.

But no Commissioner shall be liable to be prosecuted for want of form, or for error, in his proceedings or judgment; nor shall any process whatever be issued against a Commissioner who may be charged with corruption, or any oppressive and unwarranted act of authority, unless the Judge shall be previously satisfied, by sufficient evidence, that there is ground to believe that the charge is well founded.

Rules respecting the reference of suits to the Commissioners, in their capacity of Aumeens or referees.

IX. *First.* The following are the rules prescribed respecting suits referrible to the Commissioners in their capacity of Aumeens or referees.

Rules to be observed by the Judge in referring suits now depending, or that may be hereafter filed.

Second. Suits for sums of money or personal property, not exceeding fifty sicca rupees in amount or value, which may be now depending in, or that may be hereafter preferred to the Civil Court at Surat, and which the Judge may not deem it proper to try himself or cause to be tried by his Register, under the prescriptions to that effect in Section III, Regulation I. 1802, shall be referred by him to the Commissioners nearest whose place of abode the defendant may reside, unless for special reasons the Judge shall deem it proper to refer the suit to any other Commissioner, or to any two or more Commissioners.

What the order for reference is to contain, and by what papers it is to be accompanied.

Third. The order for reference of the cause shall bear the seal of the court and the signature of the Judge, and shall specify the number of the cause as it stands on the register of the court, the names of the parties, the amount or value of the money or property sued for, the date of the reference according to the English era, with the corresponding date of the Hindoo and Hejry styles, the day on which the plaintiff and defendant, in person or by Vakeel, and also any witnesses of either of the parties, if any witnesses shall have been named, are to appear before the Commissioner, and shall be accompanied by a copy of the petition of complaint, and by such original exhibits as may have been filed in the cause.

Parties may attend in person, or appoint any person they may think proper to act as their Vakeels before the Commissioners.

Fourth. The plaintiff and defendant shall be at liberty either to attend in person, or to appoint any person whom they may think proper to act as their Vakeel before the Commissioner, furnishing them with a vakalutnamah, under their seals and signatures, attested by two credible witnesses.

Fifth. The

Fifth. The Court is to cause the same security to be taken from the defendant to appear in person or Vakeel before the Commissioners by the limited time, as he would be required to give for his appearance were he to be tried before the court.

Usual security to be taken from defendants in causes to be tried.

Sixth. If the plaintiff shall not appear before the Commissioner in person, or by a Vakeel duly authorized, by the limited time, the Commissioner shall dismiss his claim.

Commissioner to dismiss the plaintiff's claim in the event of his not appearing by the limited time.

Seventh. If the defendant shall not so appear by the prescribed time, the Commissioner shall proceed to try the cause *ex parte.*

Commissioner to try the cause *ex parte*, if the defendant shall not appear.

Eighth. In the event, however, of the dismission of the suit under Clause sixth, or of its being tried *ex parte* under Clause seventh, the Judge, in the first case, may order his Register or the Commissioner to try the merits, or try them himself; and in the second, direct the cause to be tried *de novo*, either by the Register or by the Commissioner, or to try it himself, provided the plaintiff in the former case, and the defendant in the latter, shall show to him satisfactory cause for not having appeared before the Commissioner by the prescribed time.

Discretionary power vested in the Judge in the cases specified in the two preceding clauses.

Ninth. If the plaintiff or defendant shall be desirous of summoning any witnesses to appear before the Commissioner, and the witnesses shall not attend at the requisition of the parties, the court, on application from the Commissioner, or either of the parties or their Vakeels, shall cause them to appear before the Commissioner, or direct their depositions to be taken before the court, or any Commissioner near to whom they may reside. Commissioners, however, acting as Munsiffs as well as referees, may order any persons declared subject to their jurisdiction in that capacity, by Clause sixth, Section V, to attend as witnesses, and in the event of their not obeying the summons, to attach any personal property belonging to them, not exceeding the amount or value of the money or property sued for, until they appear as required.

How the depositions of witnesses in causes referred to the Commissioners are to be procured.

Commissioners may enforce attendance of witnesses subject to their jurisdiction in their capacity of Munsiffs.

Tenth. The Commissioners are to try the suits referred to them, by hearing the pleadings of the parties, examining their documents, and taking the depositions of the witnesses, in the presence of the parties or their Vakeels duly constituted; and, in all other respects, they are to consider the principles laid down in the Regulations prescribed to the Civil Court, for trying and deciding suits, as the general rule for their guidance, as far as circumstances may admit, and as may be consistent with the expeditious determination of the suits.

How the Commissioners are to conduct the trial of the suits.

Eleventh. The Commissioner is to decree such costs and damages against the party cast as may appear to him equitable; and if any claim shall appear to him litigious and vexatious, he is invariably to decree suitable costs and damages against the plaintiff.

Costs and damages to be decreed against the party cast.

Suitable costs and damages to be invariably given in litigious cases.

Twelfth. If either of the parties, or their Vakeels, or the witnesses in any suit, shall be guilty of disrespectful behaviour to a Commissioner whilst in attendance upon him for the trial of the suit, or if any witness duly summoned shall refuse to give his testimony, the Commissioner is empowered to impose such fine on the party, Vakeel, or witness, so offending, as may appear to him proper, on a consideration of the case, and the situation and circumstances in life of the offender, and the fine shall be levied in the same manner as decrees of the Commissioners are hereafter directed to be enforced.

Commissioners may fine parties, Vakeels, or witnesses, for disrespectful behaviour, and the latter for refusing to give their testimony.

Commissioners to deliver copies of their decisions to the plaintiff and defendant, or their Vakeels.

Rules to be observed by the Commissioners, in the event of the parties omitting or refusing to take a copy of the decree.

Thirteenth. The Commissioners are to deliver a copy of their decisions to the plaintiff and to the defendant, or their respective Vakeels, within three days after the day on which the decision may be passed. If the plaintiff or defendant, or their respective Vakeels, shall omit to attend to receive a copy of the decision within the prescribed time, or shall refuse to take a copy of it when tendered, the Commissioner shall endorse a note of such refusal or omission on the back of the copy of the decision, which he is hereafter required to forward to the court.

Fourteenth. No cause shall be referred to, or tried by a Commissioner, in which he or any of his immediate servants may be a party, or in any wise interested.

Commissioners to try the suits themselves, and not to allow any persons to interfere.

Fifteenth. The Commissioners are to try and determine all suits themselves, and are not to allow their officers, servants, or dependants, or any other persons, to interfere therein.

Rules respecting Commissioners in their capacity of arbitrators.

X. *First.* The following rules are prescribed to Commissioners in their capacity of arbitrators (Salisâan).

All persons may submit suits to the arbitration of the Commissioners without previous application to the court.

Second. Persons, wherever they may reside, are at liberty to refer suits to any Commissioner, without any previous application to the court, upon executing and delivering to him an arbitration bond under their signatures, attested by two creditable witnesses, appointing him arbitrator in the cause, and agreeing to abide by his decision, and to make it a decree of the court.

Decisions of the Commissioners as arbitrators not to be set aside but for corruption or partiality.

Third. Decisions passed by the Commissioners, in their capacity of arbitrators, shall not be set aside or altered by the court, but for corruption or partiality, proved to the full satisfaction of the court by the oaths of two creditable witnessess.

How the Commissioners are to proceed in the event of the parties not attending for the trial of the suit.

Rule for the conduct of the Judge in such cases.

Fourth. If the parties, after having executed the arbitration bonds, shall not appear before the Commissioner at such time or times as he may prescribe, he shall proceed as directed with regard to the suits specified in Clauses sixth and seventh, Section IX; and the discretionary powers vested in the Judge, in Clause eight of that section, are declared to extend to the suits that may be dismissed or tried *ex parte* by the Commissioners under this clause.

Rules in the clauses herein-mentioned of Section IX. to apply to suits submitted to the Commissioners, in their capacity of arbitrators.

Fifth. The rules contained in Clauses fourth, ninth, tenth, twelfth, thirteenth, and fifteenth of Section IX, regarding suits referred to the Commissioners in their capacity of referees, are to be considered applicable to suits submitted to them in their capacity of arbitrators.

This Regulation not to preclude the court from constituting the Commissioners arbitrators, under Section III, Regulation VI. 1800.

Sixth. No part of this Regulation is to be construed to prevent the Judges appointing any Commissioner as arbitrator, in the causes specified in Section III, Regulation VI. 1800.

Rules applicable to suits referred to the Commissioners as Munsiffs.

XI. *First.* The following rules are prescribed respecting suits referrible to Commissioners in their capacity of Munsiffs.

Commissioners how to procure the appearance of the defendant, and to proceed in case of his not appearing when summoned.

Second. When a suit is preferred to a Commissioner, in his capacity of Munsiff, against an individual subject to his jurisdiction in that capacity, as specified in Clause sixth, Section V, he shall require the defendant to appear and answer to the complaint on a certain day, by a writing to that effect, which shall also specify the nature of the claim, and require the defendant to give personal security, the Commissioner is empowered to attach any personal

sonal property belonging to him, not exceeding the amount or value of the money or thing sued for, until he shall give the required security, and in the event of his not giving security before the decision of the suit, and of the decree being passed against him, to hold the property in attachment, and to deliver it to the officer of the court to be sold in satisfaction of the decree, unless the defendant shall previously discharge the amount of it.

Third. But the Commissioners, in their capacity of Munsiffs, shall on no account summon any woman to appear before them, either as a party or witness in a cause, if he rrank or cast shall be such as to render it improper, according to the customs and usages of the country, to require her to appear in public.

Commissioners prohibited summoning, in any capacity, women who are not allowed to appear in public according to the laws and customs of the country.

XII. The rules contained in Clauses fourth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, and fourteenth, of Section IX, regarding suits referred to the Commissioners in their capacity of referees, are to be considered equally applicable to suits which may come before them in their capacity of Munsiffs.

Rules in the clauses herein mentioned of Section IX. to be considered applicable to suits coming before the Commissioners in their capacity of Munsiffs.

XIII. No Commissioner, either in his capacity of referee, arbitrator, or Munsiff, shall confine a party, Vakeel, or witness, in any suit which may come before him, or inflict on them any punishment whatever; excepting fines on parties, Vakeels, or witnesses, for disrespectful behaviour, and on the latter refusing to give their testimony, as above authorized.

Commissioners prohibited confining or punishing parties, Vakeels, or witnesses, in any manner whatever. Exception, with regard to parties, Vakeels, or witnesses guilty of disrespectful behaviour, and the latter refusing to give their testimony.

XIV. The decisions passed by the Commissioners, in their capacities of referees, arbitrators, or Munsiffs, shall be enforced by the Civil Court at Surat, and no Commissioner, in either of those capacities, shall enforce his own decision in any case whatever; and any Commissioner who shall issue any process, or use any coercive means for enforcing his own decision, shall, upon conviction of the act before the Civil Court under which he may officiate, be adjudged to pay to the person against whom such process or coercive means may be issued or used, a sum equal to twice the amount of the decree, with all costs that may be incurred by him in carrying on the prosecution in the Civil Court.

Commissioners not to enforce their own decisions.

Penalty for breach of this rule.

XV. To enable the Civil Court to enforce the decisions that may be passed by the Commissioners, in their capacity of referees, arbitrators, or Munsiffs, the Commissioners shall, on the fifth of every month, transmit to the Judge the three following reports of the suits decided by them in the preceding month. These reports are invariably to be accompanied by all the original papers and documents in each cause, and the razeenamahs in those causes in which the parties cast may have abided by and satisfied the decisions, that they may be deposited amongst the records of the court, and be referred to in the event of an appeal being lodged from any of the decisions. Upon the receipt of these reports, the court shall enforce the decisions which may not have been satisfied, unless appealed against within the time hereafter limited.

Monthly reports to be transmitted by the Commissioners to the Judge, to enable him to enforce their decisions.

Report

Report of Causes decided by A. B., *Landholder of* ..... *(or other designation), Commissioner, in his Capacity of Referee (Aumeen), in the Month of* ....., *English Era, corresponding with the* ..... *Sumbut, or* ..... *Hejry Era.*

Number of the Cause on the Register of the Court.	Names of the Parties.	Amount or Value of the Money or Property sued for.	Decree.	Date of Reference, according to the English and local Era.	Date of the Decree.
200.	Ram Doss versus Sheeb Chaund.	Forty Rupees on bond with interest.	Decreed forty rupees principal, and ten rupees interest, and five rupees costs to plaintiff.	10th January, or Maug, 1200.	1st Chyte.
400.	Mohummed Aukil versus Ramzaan.	Ten rupees, balance of rent of land.	Dismissed with one rupee costs to defendant, the claim not being established.	11th January, or Maug.	5th Chyte.
450.	Ram Chund versus Netai.	Twenty-four rupees, price of two bullocks.	Dismissed, parties having executed a razeenamah.	12th January, or Maug.	6th Chyte.

Report of Causes decided by A. B., *Landholder of* ..... *(or other designation), Commissioner, in his Capacity of Arbitrator (Salis), in the Month of* ....., *English Era, corresponding with the* ..... *Sumbut, or* ..... *Hejry Era.*

Names of the Parties.	Substance of the Causes.	Date of the Arbitration Bonds of the Parties.	Decision.	Date of the Decision.
Mahummed Aukil versus Ram Chund.	Twenty-four rupees, balance of an account of lands.	20th Maug.	A reward of twenty-two rupees to plaintiff.	10th Phaugun.

Report of the Causes decided by A. B., *Landholder of* ..... *(or other Designation of the Commissioner), in his Capacity of Munsiff, in the Month of* ....., *English Era, corresponding with the* ..... *Sumbut, or* ..... *Hejry Era.*

Names of the Parties.	Substance of the Suit.	The Decision.	Date on which the Suit was preferred.	Date of the Decision.
Ram Churn versus Radanaut.	Twenty rupees on bond with interest.	Decreed twenty rupees principal in favor of the plaintiff, and five rupees interest and one rupee costs: total 26 rupees.	1st Maug.	10th Maug.

Decisions of Commissioners, as referees, to be inserted in the monthly abstract register of causes decided.

XVI. The decisions passed by the Commissioners, in their capacity of referees, are to be brought on the monthly abstract register of causes decided, which the Civil Court is required to transmit to the Sudder Adawlut, by

Section

Section XI. Regulation VI. 1802. The causes which may be decided by the Commissioners, in their capacity of arbitrators and Munsiffs, shall also be brought on the monthly abstract register.

Causes decided by the Commissioners, as arbitrators and Munsiffs, to be brought on the monthly abstract register.

XVII. The Commissioners shall likewise be required to transmit, on the last day of the third, sixth, ninth, and twelfth month of the year (according to the era current in the province), reports of the causes depending before them, in their respective capacities of referees, arbitrators, and Munsiffs, drawn out in the following form:

Quarterly reports of causes undecided to be sent to the Commissioners.

Report of Causes before A. B., *Landholder of* ..... *(or other Designation of the Commissioner), in his Capacity of Referee, remaining undecided on the* ..... *Sumbut or* ..... *Hejry Era.*

Number of the Cause on the Register of the Court.	Names of the Parties.	Substance of the Suit.	Date of Reference.	Remarks explanatory of the Cause of the Suit not having been decided.
300.	Ram Churn versus Gunga Beshun.	Ten rupees on bond with interest.	10th January 1803, or Maug.	

Report of Causes before A. B., *Landholder of* ..... *(or other Designation of the Commissioner), in his Capacity of Arbitrator, remaining undecided on the* ..... *Sumbut or* ..... *Hejry Era.*

Names of the Parties.	Substance of the Suit.	Date of the Execution of the Arbitration Bonds.	Remarks explanatory of the Cause of the Suit remaining undecided.
Beshenaut versus Akber Ally.	Thirty rupees, balance of accounts.	10th Maug.	

Report of Causes before A. B., *Landholder of* ..... *(or other Designation of the Commissioner), in his Capacity of Munsiff, remaining undecided on the* ..... *Sumbut or* ..... *Hejry Era.*

Names of the Parties.	Substance of the Suit.	Date on which it was preferred.	Remarks explanatory of the Cause of the Suit remaining undecided.
Peer Mahomed versus Ramduloll.	Forty rupees, on bond.	14th Maug.	

XVIII. The required monthly and quarterly reports shall be inclosed in a cover, addressed to the Judge, and sealed with the seal of the Commissioner. The packet shall be forwarded to the Judge, either by the public dawk, the officers of which are hereby required to receive and convey such packets free of postage, or by a servant of the Commissioner; or the Commissioner may deliver it to the Commander or Collector, who shall give a receipt for it, and convey it to the Judge without any unnecessary delay.

By what conveyance the Commissioners are to transmit their monthly and quarterly reports.

XIX. The Judge is to distinguish in his monthly abstract register of causes decided, the suits which may have been determined by the Commissioners; and

Causes decided by the Commissioners, and depending before them in their capacity of referees, to be dis-

tinguished in the monthly abstract registers and half-yearly reports.

and in their half-yearly reports of causes undecided, they are to distinguish the causes depending before the Commissioners in their capacity of referees.

An appeal to lie to the Judge from all decisions passed by the Commissioners, provided the petition of appeal be presented within thirty days after the date of the decree.

XX. Any person dissatisfied with the decision of the Commissioner, either in his capacity of referee, arbitrator, or Munsiff, shall be at liberty to appeal from it to the Judge of the Civil Court, under which the Commissioner may officiate, provided the petition of appeal be presented within thirty days after the date of the decision, a copy of which the appellant is required to present with the petition of appeal. A discretionary power, however, is vested in the Judge, of admitting appeals from the decisions of the Commissioners, although the petitions may be presented after the prescribed period, if the apellant shall shew satisfactory cause to him for not having presented the petition within the limited time.

Discretionary power vested in the Judge of admitting appeals after the limited time.

Petitions of appeal to be presented to the court of Dewanny Adawlut.

Commissioners prohibited receiving petitions of appeal.

XXI. All petitions of appeal from decisions of the Commissioners are to be presented to the Civil Court under which the Commissioners may officiate, and the Commissioners are prohibited from receiving any petitions of appeal from their own decisions.

Petition of appeal to be presented by the appellant in person, or by an authorized Vakeel.

XXII. All petitions of appeal from decisions of the Commissioners are to be presented by the appellant in person, or by an authorized Vakeel.

Decisions of the Commissioners not to be set aside but on the merits.

XXIII. Decisions of the Commissioners are not to be set aside for want of form, or irregularity in their proceedings, but on the merits only.

Cases in which the Judge is to suspend the execution of the decision of a Commissioner, in the admission of an appeal from it.

XXIV. In case of an appeal being received from the decision of a Commissioner, the Judge is to suspend the execution of the decree, provided the party appealing against it shall give good and sufficient security, on or before the next court day after the day on which the appeal may be presented, to perform the decree of the court.

Judge may order causes depending before the Commissioners, as referees or Munsiffs, to be brought up for trial before him or his Register.

XXV. The court may, for any reason that may appear to the Judge thereof sufficient, bring up, for trial before him or his Register, any cause or causes that may be depending before the Commissioners.

Judge to proceed to select Commissioners on the receipt of this Regulation, and when approved by the Sudder Adawlut, to refer to them the suits depending in his court, not exceeding fifty sicca rupees, with the exceptions herein specified.

XXVI. Upon the receipt of this Regulation, the Judge of the Civil Court is to proceed to select the Commsissioners; and upon the persons nominated by him being approved by the Sudder Adawlut, he shall refer to them for trial all suits now depending in his courts for sums of money or personal property, not exceeding fifty rupees in amount or value, which he may not deem it proper to try himself, or to refer to his Register for trial.

Rules to be observed by the Judge on the office of Commissioner becoming vacant.

XXVII. Upon the death, removal, resignation, or the expiration of the commission of any Commissioner, the Judge shall, if necessary, immediately nominate another Commissioner in his room for the approbation of the Sudder Adawlut, and cause all the papers in the causes depending before the late Commissioner to be delivered over to his successor, or otherwise disposed of as circumstances may require.

A. D. 1802. REGULATION VIII.

A Regulation *for prescribing the Payment of certain Fees on the Institution and Trial of Suits in the Courts of Civil Judicature, and on Petitions presented to those Courts, and on the Institution of Suits before the Munsiffs, under Clause Sixth, Section* V, *Regulation* VII. 1802, *and for the Appropriation of the Fees so collected:* Passed, *as far as regards Surat and its Dependencies, by the Honourable the Governor of Bombay, on the 9th of July* 1802, *whilst at that Settlement in the full Possession and exclusive Exercise of the entire Powers of the Bombay Government, and thereafter confirmed by the Governor in Council on the 20th of August* 1802 *(corresponding with the 8th Shravan Vud, Sumbut or Vekramajit Era* 1859; *Salbahan,* 1724; *and 20th of Rubee ul akhur,* 1217 *Hejry).*

I. Five per cent. commission has been levied on the institution of suits in the Civil Court of Surat since the 8th of June 1800; but no fees whatever being charged on the exhibits and papers filed in the court, nor on petitions presented to the court, not immediately forming part of the proceedings in any suit under trial, groundless and litigious suits and complaints are thence liable to be instituted against individuals, and the trials of others have been protracted, by the filing of superfluous exhibits, or the summoning witnesses whose testimony was not necessary to the development of the merits of the case. The business has, in consequence, increased, so as to prevent the Judge determining the causes and complaints filed, with that expedition which is essential for deterring individuals from instituting vexatious claims, or refusing to satisfy just demands, and for giving full effect to the principles of the Regulations. The establishing of fees on the institution and trial of suits, and on petitions presented to the courts, being considered to be the best mode of putting a stop to this abuse of the ready means now afforded to individuals of availing themselves of the exercise of the laws, without obstructing the bringing forward of just claims, the following rules have been enacted.

Fee of one anna in the rupee to be paid on the institution of suits before the Munsiffs.

II. *First.* The native Commissioners vested with the powers of Munsiff, under Regulation VII. 1802, are to levy from the plaintiff in every suit that may be preferred to them in the first instance, a fee of one anna in the rupee on the amount of the money, or the value of the personal property, which may constitute the subject of the suit.

Suits not to be received until the fee be paid.

Second. The Munsiffs are not to receive any such suit, until the prescribed fee shall have been paid.

Where the Munsiff is to record the amount of the fees received by him.

Third. The Munsiffs are to endorse on the back of the petition of complaint the amount of the fee which may be so received by them, and the date of the receipt of it, and subscribe the endorsement with their signature; and they shall also state the amount after the particulars of the decision of the suit, in the third column of the monthly report which they are required to transmit to the Judge, in their capacity of Munsiff, by Section XV, Regulation VII. 1802.

How the fees received by the Munsiffs are to be appropriated.

Fourth. The Munsiffs are to appropriate the fees they may collect under this section to their own use, as a compensation for their trouble, and an indemni-

indemnification for the expense which they may incur in the execution of the duties of their office.

Fees to be paid on suits preferred to the Civil Courts, and courts prohibited from filing the petitions until the fees be paid.

III. *First.* The following fees shall be paid by plaintiffs on the institution of suits in the Civil Court, which may be preferred after the receipt of this Regulation in the several zillahs and cities, and the courts are not to file any petition of complaint until the fees hereafter prescribed shall have been paid.

Fees on suits for money or personal property.

Second. In suits for money, or the value of personal property.

On sums not exceeding two hundred rupees, at the rate of one anna per rupee.

On sums above two hundred, and not exceeding one thousand rupees, the fees are to be paid on two hundred rupees of the amount, as above prescribed for that sum, and at the rate of four per cent. on the remainder.

On sums above one thousand, and not exceeding five thousand rupees, the fees are to be paid on one thousand rupees of the amount, as above prescribed for that sum, and at the rate of three per cent. on the remainder.

On sums above five thousand, and not exceeding twenty-five thousand rupees, the fees are to be paid on five thousand rupees of the amount, as above prescribed for that sum, and at the rate of two per cent. on the remainder.

On sums above twenty-five thousand, and not exceeding fifty thousand rupees, the fees are to be paid on twenty-five thousand rupees of the amount, as above prescribed for that sum, and at the rate of one per cent. on the remainder.

On sums above fifty thousand rupees the fees are to be paid on fifty thousand of the amount, as above prescribed for that sum, and at the rate of half per cent. on the remainder.

To obviate the trouble of minute calculations, where the sum may be in rupees, and fractions of rupees, the fractions are to be rejected in calculating the fees.

Fees on claims to malguzarry land.

Third. In suits for malguzarry land (land paying revenue to Government), fees are to be levied from the plaintiff on the amount of the annual jumma payable from the land to Government, at the rates and under the rules specified in Clause second.

Fees on claims to lakheraje land.

Fourth. In suits for lakheraje land (land held exempt from the payment of revenue to Government), fees are to be paid by the plaintiff at the rates, and under the rules specified in Clause second, on ten times the amount of the annual produce of the land, which is to be estimated according to the rule prescribed in Section III, Regulation IV. 1799, and Section III, Regulation II. 1800.

Fees on claims to real property not being malguzarry or lakheraje land.

Fifth. In suits for houses, tanks, gardens, or other real property, not being land of the descriptions specified in the two preceding clauses, fees are to be paid by the plaintiff on the estimated value of the property, at the rates and under the rules specified in Clause second.

Proportion of the fees levied under this section to be paid to the Registers on suits determined before them.

Sixth. The undermentioned proportions of the fees collected agreeably to this section, on suits which may be referred by the Judge to his Register, for decision, under Regulation I. 1802, after the receipt of this Regulation, shall be paid for his own use to the Register by whom the suits may be determined,

mined, or before whom they may be depending, in the event of the parties adjusting them by razeenamah.

On sums not exceeding fifty rupees, one anna per rupee.

On sums above fifty, and not exceeding two hundred rupees, one anna per rupee on fifty rupees, and half an anna per rupee on the remainder of the sum.

Commissioners, in their capacity of referees and arbitrators, to receive from the court the fees levied under this section on suits determined before them.

Seventh. The fees which shall be collected under this section, on suits which may be referred to the Commissioners for decision in their capacities of referees (Aumeens), or arbitrators (Salisâan), under Regulation VII. 1802, shall be paid by the courts to the Commissioner by whom the suits may be determined, or before whom they may be depending, in the event of the parties adjusting them by razeenamahs, as a compensation for their trouble and an indemnification for the expense which they may incur in the discharge of the duties of their office.

Fees to be paid on the trial of suits in the Civil Courts, or before the Registers of those courts.

IV. *First.* The following fees shall be paid, from the date of the receipt of this Regulation, by the Civil Courts, on the trial of suits now under trial, or which may be hereafter tried in the first instance by the Judges of the Civil Courts or by their Registers.

In suits for money or personal property, not exceeding in amount or value two hundred Surat rupees, or for lakheraje land, the annual produce of which shall not be above twenty Surat rupees, or for malguzarry land, the annual jumma payable from which to Government shall not exceed two hundred Surat rupees, or for other real property, the estimated value of which shall not be above two hundred Surat rupees:

On every exhibit which may be filed after the receipt of this Regulation, in addition to the plaint, answer, reply, and rejoinder,..... eight annas.

For every witness who may be summoned or ordered to be examined on commission, after the receipt of this Regulation,... eight annas.

In suits for money or property, the amount, value, annual jumma, or annual produce of which may exceed that above specified, but which shall not be such as is declared to render a suit appealable to the Sudder Adawlut:

On every exhibit which may be filed after the receipt of this Regulation, in addition to the plaint, answer, reply, and rejoinder,..... one rupee.

For every witness who may be summoned, or ordered to be examined on commission, after the receipt of this Regulation,... one rupee.

In suits for money or property, the amount, value, annual jumma, or annual produce of which shall be such as is declared to render a cause appealable to the Sudder Adawlut:

On every exhibit which may be filed after the receipt of this Regulation, in addition to the plaint, answer, reply, and rejoinder,..... two rupees.

For every witness who may be summoned or ordered to be examined on commission, after the receipt of this Regulation,... two rupees.

When the fees to be levied under this section are to be paid.

Second. The fees to be levied under this section are to be paid on the exhibits being presented to be filed, or the summonses or commissions for the attendance or the examination of the witnesses being applied for; and the exhibits shall not be filed, nor the summonses or commissions issued, until the fees be paid.

Fees to be paid on the institution and trial of appeals from the decisions of the native Commissioners and the Registers.

V. *First.* In appeals to the Judges of the Civil Courts from the decision of the native Commissioners appointed under Regulation VII. 1802, in their capacities of referees, arbitrators, or Munsiffs, and from decisions passed by the Register under Regulation IX. 1802, fees shall be levied on the institution of the appeal, and on the trial of it, at the rates, and under rules and restrictions similar to those prescribed in Sections III. and IV. of this Regulation.

Persons desirous of appealing, who shall not pay the fees and present their petition of appeal within the limited time, to forfeit their right to an appeal.

Second. To prevent misconstruction, it is declared that if an appellant shall present a petition of appeal to the court, or (if the decree with which the party may be dissatisfied shall have been passed by the Register) to the Register, and the Judge or Register, in conformity to the rule prescribed in Clause first, Section III, respecting petitions of complaint preferred in the first instance to the Civil Courts, shall refuse to file the petition, in consequence of the petitioner not having paid the fees, and he shall not both pay the fees and present the petition before the elaspe of the time limited for filing petitions of appeal, his having presented the petition without the fees before the expiration of the limited time for appealing shall not be considered as preserving to him his right of appeal, but his appeal shall be rejected, unless the Judge shall deem it proper to admit the appeal under the discretionary power vested in him by Section XX, Regulation VII. 1802, or Regulation IX. 1802, according as the decision appealed from may have been passed by a native Commissioner or a Register.

Fees to be levied on appeals, and on suits tried in the first instance in the Sudder Adawlut.

VI. After the date of the receipt of this Regulation in the Civil Court, in appeals which may be preferred to the Sudder Adawlut from its decisions, and in suits now under trial, or which may be hereafter tried in the first instance in the Sudder Adawlut, that court shall levy fees on the institution of the appeals or suits, and also on the trial of the appeals or suits, at the rates, and under rules and restrictions similar to those specified in Sections III. and IV. and Clause second, Section V, of this Regulation.

By whom the fees directed to be levied in the preceding sections, on the institution of suits or appeals, are to be ultimately paid.

VII. *First.* The fees directed to be collected in the preceding sections of this Regulation, on the institution of suits or appeals, are to be added by the Commissioner or court before whom the suits or appeals may be tried, to the costs that may be awarded against the party cast; or, in cases from a consideration of the circumstances of which the Commissioners or courts may deem it proper so to do, they may order the fees to be borne by the parties respectively, in such proportions as they may consider equitable.

By whom the fees on exhibits, and summonses for witnesses and orders for the examination of them shall be ultimately paid.

Second. The fees directed to be levied on exhibits, and on summonses or commissions for the attendance or examination of witnesses in suits and appeals, shall be invariably specified in the decrees, with the other costs; and the amount of them shall be charged to the party cast, or to the parties respectively, in such proportions as the courts may deem equitable, on a consideration of the circumstances of the case.

Paupers may be exempted from the payment of fees, under the rules and restrictions herein specified.

VIII. In cases of paupers, the Sudder Adawlut and the Civil Courts are empowered to dispense with the payment of the fees directed to be levied in the preceding sections, under rules and restrictions similar to those prescribed in Regulation X. 1802, regarding paupers who are unable to plead their own causes, or to find the security therein required for the payment of the fees of the Vakeels. Commissioners, in their capacity of Munsiffs, are empowered to dispense with the payment of the fees in suits instituted before them

Munsiffs may dispense with the payment of the fees on the in-

in

in the first instance, under the rules and restrictions prescribed to the courts in this section.

stitution of suits, under the restrictions prescribed to the courts.

IX. A fee, calculated at the rates of the fees required to be paid on exhibits by Section IV. of this Regulation, according to the property to which it may relate, shall be paid on every exhibit delivered to be filed of record, accompanying or referring to any miscellaneous petition or application not immediately forming part of the proceedings in any suit or appeal depending before the court, which may be presented to the court of Sudder Adawlut, or Civil Court, after the receipt of this Regulation by the said courts; and until the fee be paid, the exhibit shall not be filed, unless in consideration of the poverty of the person presenting the petition or application, the courts shall deem it proper to dispense with the payment of the fee, in which case they are empowered to remit it.

Fees to be taken on exhibits presented to the Sudder Adawlut and the Civil Courts, accompanying or relating to miscellaneous petitions or applications.

A. D. 1802. REGULATION IX.

A Regulation *empowering the Judge of the Civil Court of Surat to hear Appeals from Decisions which may be passed by his Register, under Regulation* I. 1802: Passed *by the Honourable the Governor of Bombay, on the 8th of July* 1802, *whilst at that Settlement in the full Possession and exclusive Exercise of the entire Powers of the Bombay Government, and thereafter confirmed by the Governor in Council on the 20th of August* 1802 *(corresponding with the 8th Shravan Vud, Sumbut or Vekramajit Era,* 1859; *Salbahan,* 1724; *and 20th of Rubee ul akhur,* 1217 *Hejry).*

I. By Section VI, Regulation I. 1802, the decision of the Register is rendered final in all suits for money or personal property, the amount or value of which shall not exceed twenty-five rupees; besides which a discretionary power is vested in the Judge to revise any decisions passed by his Register under the circumstances adverted to in the same section. But as it may happen that parties dissatisfied with the Register's decisions not declared final, shall be desirous of appealing therefrom, notwithstanding the Judge may think fit to exercise, in the first instance, the discretion thus vested in him, the following rules have in consequence been enacted.

II. *First.* From all decisions in suits for real property, and for money or personal property the amount or value of which shall exceed twenty-five Surat rupees, that may be passed by the Registers to the Civil Court at Surat, in virtue of the powers vested in him by Regulation I. 1802, an appeal shall lie to the Judge of the said court, under similar rules and regulations to those prescribed regarding appeals to the Sudder Adawlut from decisions passed by the Judges, with the qualifications specified in the two following clauses.

An appeal from the decisions of the Register, excepting for money or personal property not exceeding twenty-five rupees, to lie to the Judge.

Second. The petition of appeal shall be presented within thirty days after the date of the decision, either to the Register or to the Judge; but the Judge is empowered to admit the appeal although the petition should be presented after the prescribed time, provided the appellant can show, to his satisfaction,

Petition of appeal to be presented within thirty days after the date of the decision.

Judge empowered, in certain cases, to admit the appeal after the prescribed period.

satisfaction, good and sufficient cause for not having filed the petition within the limited period.

Judge how to proceed on admitting an appeal from the Register.

Third. On the Judge admitting an appeal from the decision of his Register, he shall cause to be endorsed on the back of the petition the word "admitted" (munzoor), and shall have the seal of the court affixed thereto, and attest the endorsement with his signature. He shall cause the petition, so endorsed, to be sent to the Register, who shall thereupon submit to the Judge all the original proceedings and papers in the cause, with his original decree.

Register to submit the original proceedings and decree.

A. D. 1802. REGULATION X.

A REGULATION *for admitting Persons of certain Descriptions to sue in the Courts of Civil Judicature as Paupers:* PASSED *by the Honourable the Governor of Bombay, as far as regards Surat and its Dependencies, on the 9th of July* 1802, *whilst at that Settlement in the full Possession and exclusive Exercise of the entire Powers of the Bombay Government, and thereafter confirmed by the Governor in Council on the 21st of August* 1802 *(corresponding with the 8th Shravan Vud, Sumbut or Vekramajit Era,* 1859; *Salbahan,* 1724; *and 20th of Rubee ul akhur,* 1217 *Hejry); and extended to the Civil Court of Tannah Caranja, &c. on the 24th of September* 1802 *(corresponding with the 13th of Bhudva Vud, Sumbut or Vekramajit Era,* 1859; *Salbahan,* 1724; *and 20th of Jumadee ul Avul,* 1217 *Hejry).*

I. THAT persons unable to appear and plead their own causes may not be debarred from the recovery of their rights, in consequence of not being able to pay the fees under Regulation VIII. 1802, and at the same time that individuals may be deterred from preferring groundless or litigious suits, and evading entering into the required security for the payment of the prescribed fees, under the pretext of inability to procure it, the following rules have been enacted.

Courts empowered to admit persons to plead as paupers, on their giving security for their appearance.

II. If any person who may be desirous of preferring a suit to any of the courts of civil judicature, and who may be precluded from pleading his cause in person, shall represent that he is unable to pay the fees under Regulation VIII. 1802, and such inability shall be proved to the satisfaction of the court by the oath of the plaintiff or appellant, and of two credible witnesses, that they believe such oath to be true, the court is empowered to admit the suit, on the plaintiff or appellant finding two good and sufficient sureties for his appearance, whenever his attendance may be required by the court.

Court how to proceed in the event of the plaintiff or appellant being cast, and the suit proving litigious or vexatious.

III. If the plaintiff or appellant shall not establish his claim, and the court shall deem the suit frivolous or vexatious, and the plaintiff or appellant shall not pay the amount of his own fees, and the fees and costs which may be awarded against him in favour of the opposite party, the court is authorized to commit him to close custody for any space of time not exceeding three months; and if the two sureties shall not produce the plaintiff or appellant so that he may be proceeded against as above directed, or cause the fees and costs to be paid, the court shall commit such sureties to the common

common jail for any space of time not exceeding three months, and the plaintiff or appellant, or the sureties who may be so committed, after he or they shall have been confined for the prescribed time, shall be discharged.

Fees and costs awarded against paupers found to possess property adequate to the discharge of the amount, to be recovered by the court.

But if a plaintiff or appellant who may have sued as a pauper under this Regulation, and who may have been cast, and shall not have paid the fees and costs, shall afterwards be found to possess property sufficient to make good the amount, the Court, whether the suit shall have been pronounced litigious or otherwise, are to proceed against such property for the recovery of it.

By whom the fees of the Vakeels of paupers are to be made good, in the event of their gaining the suit.

IV. If a plaintiff or appellant suing as a pauper under this Regulation shall gain his suit, the court are to cause the defendant or respondent to make good the amount of the fees to the Vakeel suing for such pauper, or such part of it as the court may decree.

Provision for cases in which paupers shall be unable to prevail on the Vakeels to undertake their suits under this Regulation.

V. If a pauper shall be unable to prevail on any Vakeel to undertake his suit under this Regulation, and the court shall be satisfied of his inability to plead the cause in person, the court may, in cases in which for special reasons it may deem it proper so to do, nominate a Vakeel to undertake and plead the suit. The court is to enter on the record of the trial the reasons for every exercise of the power vested in it by this section.

A. D. 1802. REGULATION XI.

A Regulation *for prescribing the Form of Bonds to be executed by British Subjects or others not amenable to the Civil Courts, on their instituting Suits in such Courts; and for prescribing a Form of Bond to be executed by the Sureties of Defendants in the above Courts:* Passed, *as far as regards the Jurisdiction of the Civil Court at Surat, by the Honourable the Governor of Bombay, whilst at that Settlement, on the* 10*th of July* 1802, *in the full Possession and exclusive Exercise of the entire Powers of the Bombay Government, and thereafter confirmed by the Governor in Council on the* 20*th of August* 1802 *(corresponding with the* 8*th Shravan Vud, Sumbut or Vekramajit Era,* 1859; *Salbahan,* 1724; *and* 20*th of Rubee ul akhur,* 1217 *Hejry); and extended to the Court for Salsette and its Jurisdiction onthe* 13*th of September* 1802 *(corresponding with the* 2*d of Bhadar Vud Sumbut or Vekramajit Era,* 1859; *Salbahan,* 1724; *and the* 15*th of Jumadee ul Avul,* 1217 *Hejry).*

I. It being expedient that British subjects and others, not amenable to the Civil Courts, who may institute suits in them, should bind themselves to abide by their process and decisions, and no form having been yet prescribed for the security bonds for the appearance of defendants, required by Section V. of Regulation IV. 1799, and Section V. of Regulation II. 1800, the following rules have been passed.

Form of bond to be executed by British subjects and others, not amenable to the jurisdiction of the Civil Courts.

II. The following instrument is to be hereafter executed by the plaintiffs therein referred to, *viz.* British subjects or other persons not amenable to the jurisdiction of the Civil Courts.

" Know

" KNOW ALL MEN by these presents, that I ....., of ..... " ....., but now residing at ....., in the division of ..... " ..... (or in the city of .....), am held and firmly bound " unto ....., Judge of the Civil Court of ..... (or city), in the " sum of ....., to be paid to the said ....., his executors, " administrators, or assigns; for which payment, well and truly to be made, " I do hereby bind myself, my heirs, executors, and administrators, firmly " by these presents. Sealed with my seal, and dated this ..... day " of ....., in the year of Christ .....

" WHEREAS the above bounden ..... hath on the date hereof " commenced an action, cause, or suit in the said court, before the " said ....., against ....., NOW THE CONDITION of this " obligation is such, that if the said ....., his heirs, executors, and " administrators, and every of them, do and shall, on his and their parts and " behalfs, in all things well and truly stand to, obey, abide, observe, per- " form, and fulfil all such judgment and judgments, order and orders, decree " and decrees, as shall or may be at any time given in the said action, cause, " or suit, in the said court of....., or by the court of Sudder " Adawlut, then this obligation is to be void, or else to remain in full force " and virtue.

" Sealed and delivered (where no stamps are in use or to be had) in the " presence of....."

Form of security bond to be executed by the sureties for defendants required by Section V. of Regulation IV. 1799, and the same section of Regulation II. 1800.

III. *First.* The following form of security bond, or an instrument to the following effect, is to be hereafter executed by the sureties for the appearance of defendants in the Civil Courts, required by Section V. of Regulation IV. 1799, and Section V, Regulation II. 1800.

" Whereas a suit has been instituted in the Civil Court of the division (or city) " of....., by ....., plaintiff, against ....., defendant, " and whereas I, ..., inhabitant of ....., have voluntarily " become security for the appearance of the said defendant to answer to the " above suit, and perform all such orders as may be passed thereupon, until " the final decree on it shall have been carried into execution, I do therefore " hereby engage and bind myself, my heirs and successors, that the said defend- " ant shall appear in person, or by Vakeel, to make answer to the plaint against " him in the suit aforesaid, on the .....; being the day on which his " appearance has been required in the said court; and further, that the said " defendant shall personally attend at the said court whenever the same may " be required by the Judge thereof, at any time whilst the above suit is " depending before the court, or court of Sudder Adawlut, or before the " final decree which may be passed thereupon by the above courts, respec- " tively, shall be fully and completely carried into execution; in default of " which, and in the event of my not producing the said defendant when " called upon, I will be answerable for such sum as may be adjudged against " him, and for the performance of whatever order or decree may be passed " against him on the suit above-mentioned."

A. D. 1802. REGULATION XII.

A Regulation *for authorizing a Review of Causes decided by the Civil Courts in certain Cases:* Passed, *as far as regards Surat and its Dependencies, by the Honourable the Governor of Bombay, on the 10th of July* 1802, *whilst at that Settlement in the full Possession and exclusive Exercise of all the Powers of the Bombay Government, and thereafter confirmed by the Governor in Council on the 20th of August* 1802 *(corresponding with the 8th Shravan Vud, Sumbut or Vekramajit Era,* 1859; *Salbahan,* 1724; *and 20th Rubee ul akhur* 1217 *Hejry).*

I. By the existing Regulations no authority is vested in the civil courts of judicature to revise their proceedings after judgment has been passed by them; nor can the ends of justice require such review in cases open to appeal, as in all such cases any errors or other defects in the trial may be remedied by the usual course of appeal: but in cases wherein the Regulations do not allow an appeal, although the exercise of an unqualified power of revision, with a view to reconsider the grounds of the decision, would tend to depreciate the value of property held under the decrees of the courts of justice, and be otherwise liable to many serious objections, particular cases may occur in which it would be proper and necessary that the civil courts should have the power of revising their proceedings, for the purpose of correcting incidental errors not affecting the principle of the decision, or even for amending the principle of the decision if it should subsequently appear erroneous, either on the face of the decree or on the discovery of new matter or evidence which could not be had or used at the time when the decree was passed. Other substantial reasons may also occur to render a revision just and necessary; which, as they cannot be all foreseen and provided for, must be left to the discretion and judgment of the courts before whom the proceedings on the case may have been held, subject however to the judgment and controul of the superior court of Sudder Adawlut, that the grounds on which a review is granted may be uniform, and that it may not in any instance be allowed without due deliberation and circumspection. To provide for the revision of causes decided in the cases above referred to, the following rules have been enacted.

Petitions for a review of causes from the decision, in which no appeal can be had, to be presented to the court passing such decision.

II. Any persons considering themselves aggrieved by the decree of a civil court, from which decree no appeal can be had under the existing Regulations to the Sudder Adawlut, and who, from the discovery of new matter or evidence which was not within their knowledge, or could not be addueed by them at the time when the decree was passed, or for other good and sufficient reason, may be desirous of obtaining a review of the judgment passed against them, are at liberty to present a petition for this purpose to the court in which the decree in question may have been passed; and if the Judge of such court shall, in consideration of the reasons urged by the party, be of opinion that the review desired is necessary to correct an evident error in the judgment, or otherwise for the due administration of justice, he shall report the same, with the grounds of such opinion, to the court of Sudder Adawlut, transmitting at the same time a copy and translation of the petition

Report to be made to the Sudder Adawlut, if the Judge shall consider it necessary for the due administration of justice.

Instructions of the Sudder Adawlut to determine the admission or rejection of the review desired, as well as what new evidence shall be admitted.

But no reference to the Sudder Adawlut necessary, if the Judge of the court wherein the final decree was passed deems the reasons urged for a review thereof insufficient.

tion presented to him, and shall be guided by the instructions they may receive from that court in admitting or rejecting the prayer of such petition, as well as in the admission of evidence, if the review be granted, on the further proceedings to be held by them in consequence. Provided, however, that no reference to the Sudder Adawlut shall be considered necessary, in cases wherein the Judge of the court in which the final decree may have been passed shall deem the reasons urged for a revision thereof insufficient; his rejection of the petition for a review, in all such cases, being hereby declared conclusive.

Sudder Adawlut authorized to grant the review desired in certain cases.

III. The court of Sudder Adawlut, in cases referred to them by the civil courts, as well as in all cases wherein petitions may be preferred to them for a revision of their own judgments, not open to an appeal to the King in Council, are authorized to grant the review desired, if, on due consideration of the reasons urged for the same, the circumstances of the case appear in justice to require it; such, for instance, as an error in judgment appearing on the face of the decree, or the discovery of new matter or evidence which could not be had or used at the time when the decree was passed; but no new evidence or matter then in the knowledge of the parties, which might have been used before, shall be a sufficient ground for granting a review, unless for special reasons the court of Sudder Adawlut should see just cause to admit the same, in which case such reasons are to be recorded at large in their proceedings. The above court are further authorized, whenever they may judge it proper to grant a review, to direct the admission or rejection of any new evidence that may be offered, as well as generally to pass such orders upon the case as they may deem just and equitable; and all orders so passed by them (except in cases appealable to his Majesty in Council) shall be decisive and final.

But no evidence or matter which might have been before used to be a sufficient ground for granting a review; except for special reasons, to be recorded.

Sudder Adawlut authorized to direct the admission or rejection of new evidence in certain cases, and to pass such orders as they may deem just; and such orders to be final, except in cases appealable to the King in Council.

A.D. 1802. REGULATION XIII.

A REGULATION *prescribing Rules for the Collectors of the public Revenue of Surat and its Dependencies:* PASSED *by the Honourable the Governor of Bombay on the* 13*th of July* 1802, *whilst at that Settlement in the full Possession and exclusive Exercise of the Powers of the Bombay Government, and since confirmed by the Governor in Council on the* 20*th of August* 1802 *(corresponding with the* 8*th Shravan Vud, Vekramajit or Sumbut Era,* 1859; *Salbahan,* 1724, *and* 20*th of Rubee ul akhur,* 1217 *Hejry).*

I. THE Collector of the Revenue at Surat was, up to the change of Government announced in Regulation I. 1800, a member of the then Chief and Council, and had only charge of those branches of the Honourable Company's old revenue known under the denominations of the *castle* and *tunkha*, the chief emoluments of his office being derived from certain fees collected along with these funds, whilst the realization of the revenue was conducted under this officer, rather according to former practice and custom than in conformity to any specific rules laid down for his observance; except that by one that had of late years been enacted, he had been required to forward, through the Chief and Council, a towjee, or monthly state of his collections,

to

to the Government at Bombay. When the "pergunnah, mughullaye, mo- "kauty farm and license," and other description of revenue funds, heretofore under the collection of the Nabobs of Surat, became vested, in May 1800, in the Honourable Company, a new arrangement was made of the Collector's office, in pursuance of instructions from the Most Noble the Governor General in Council, under date the 10th of March 1800; whence, after being duly sworn into his office before the Governor of Bombay then at Surat, the general treasury was placed under the Collector as in Bengal; as connected with which he became vested with the drawing of all bills of exchange, and with the charge of all money transactions, inclusive of the payment of the Military and Marine Paymaster's drafts, and of all establishments, on the presentation of their bills by the heads of offices; for his guidance in which duties he was furnished with instructions, under date the 7th of July of the same year, the heads of which are now enacted into a Regulation, together with such further provisions as experience has since shewn to be requisite to give due energy to the duties of this department.

Collector to act immediately under the authority of the Governor in Council, and to conform to the rules and regulations herein specified.

II. The Collector is to correspond with, and obey all orders which may be transmitted to him by the Governor in Council, and is to conform to the rules contained in the following sections.

Seal of the Collector.

III. The Collector is to use a circular seal, one inch and a half in diameter, with an inscription to the following effect, in the Persian character and language, "the seal of the Collector of Surat, &c."

Collector to keep an attested diary of his official transactions.

IV. The Collector is to keep a regular diary of his official transactions, either in the English, Persian, or Hindoostanee languages, recording and attesting them with his official signature, at the time they may take place.

Collector's duties.

V. The duties prescribed in the following sections are to be performed by the Collector under the superintendance of the Government at the Presidency,

To collect the castle and tunkha revenue.

VI. *First.* To collect the amount of the revenue appertaining to the castle and tunkha departments.

To collect the ceded revenue under Regulation I. 1800.

Second. To collect the ceded revenues derived to the Company under Regulation I. 1800.

To let out or otherwise settle for the Mokauts farms and licenses, under the two preceding clauses.

Third. To provide, by lease or otherwise, for the due receipt of the revenue from the funds above decribed; and in the case of farming any part of them, that such farms be given to the highest bidder, on a previous public notice of at least eight days, or otherwise, as Government may hereafter instruct him, taking care, as far as this farming system may extend, to fix with the utmost accuracy, in the body of each new lease for one or more years, the precise articles on, and the rates by which, the mokautee or other description of farmer is to collect; and with the proviso annexed, that for any over or undue exaction, they shall be subject not only to his reprehension, but liable to a fine of double the amount, in case the party aggrieved shall chuse to prosecute them to conviction in the Civil Court; to which penalty all the officers in the Collector's department are, under Section VI, Regulation I. 1800, in like manner obnoxious, for any undue exaction on their parts, respectively.

Penalty on farmers of the revenue or servants of the Collector for over-exactions.

To prosecute, in certain cases, for the public dues from lands illegally held exempt from the payment of revenues.

Fourth. To prosecute for the recovery of the dues of Government from lands, of whatever description, held exempt from the payment of revenue, under illegal or invalid tenures, respecting which Government shall think fit to pursue this mode of recoverance.

To pay the pensions included in the public jumma, and the sayer pensions.

Fifth. To pay the pensions and allowances included in, or chargeable on, the public revenue.

To collect the revenue in the cessions from the Guicowar.

Sixth. To collect the revenue in the territories ceded by the Guicowar, under Regulation I. 1802.

To procure lands for native invalid soldiers.

Seventh. To procure lands on the last-mentioned ceded territories for the invalid soldiers, who, on taking a discharge from the service, or otherwise, may accept of a provision in land, in cases where he shall be so ordered by Government.

To perform the above and all other duties according to any Regulations for his guidance, printed and published in the manner prescribed in Regulation I. 1799.

Eighth. To perform the above, and all other duties, according to the rules that have been, or may be, prescribed to him, by any Regulation published in the manner directed in Regulation I. 1799.

To furnish the required annual and other accounts.

Ninth. To transmit the annual, monthly, or other accounts of his department.

To conform to all special orders from the Government, or other authorized public officers under the presidency.

Tenth. To conform to all special orders that may be issued to him by the Governor in Council, or by public officers empowered to issue such orders from the presidency.

The native officers to obey the orders of the Collector, and not to perform any public act without his sanction.

Penalty.

VII. All native officers under the Collector are to act agreeably to his orders, and such rules as he may prescribe. They are not to perform any act of authority without his sanction, under pain of being fined in a sum not exceeding six months' salary, or of being dismissed from their offices by the Collector or the Governor in Council, and also of being sued in the Civil Court for damages, by any person who may consider himself aggrieved by such unauthorized act.

Collector not to employ his private servants in public matters.

VIII. The Collector is prohibited from employing, directly or indirectly, his private servants, whether Purvoes or others, in the discharge of any part of his public duties, it being required, in all matters relating to the trust committed to him, that he shall act as the only empowered agent of Government. This prohibition, however, is not meant to restrict him from occasionally employing his assistants, or his inferior public servants, in the cases, and in the manner in which he is authorized to make use of their agency.

Rules respecting the Cash-keeper.

Responsibility for the Treasury vested in the Collector.

IX. The native Cash-keeper at Surat is to act under the orders of the Collector, with whom vests the entire responsibility for the treasure and the due execution of the duties of the treasury.

Appointment and removal of native servants vested in the Collector.

Exception.

To transmit regular notice of all appointments and removals to the Governor in Council.

Public and registered officers only to be employed in public matters.

X. The appointment and dismission of all native public officers on the establishment of the collectorship are vested in the Collector; but he is to transmit to the Governor in Council regular notice of all appointments and removals, and he is to employ none but such public and registered officers in matters in any respect relating to his official duty, and is not, under any plea or pretext, to confer on his public officers any private trust relating to his personal concerns.

In the absence of the Collector, the senior Assistant to officiate in his room.

XI. In the event of the death or removal of the Collector, or of his absence from his station, the senior Assistant on the spot is to perform the duties

duties of Collector, and the public officers of the collectorship are accordingly to obey his orders.

Collector and his officers prohibited being concerned extra-officially in the revenue.

XII. No Collector, Assistant to a Collector, nor any native in the employ of a Collector, or of an Assistant, shall hold, directly or indirectly, any farm, or be concerned, on his or their private account, in the collection or payment of the revenue of any lands under the collectorship.

Collector not to give lands in farm to Europeans, nor to accept of their security for Zemindars, farmers, or Ryots.

XIII. No Collector shall give land in farm to a European, directly or indirectly, or accept the security of a European for any Zemindar, farmer, or Ryot, without the express sanction of the Governor in Council.

Collector and Assistant prohibited from trading.

XIV. No Collector or Assistant shall, directly or indirectly, carry on any trade, or be concerned in any commercial transaction whatever. This prohibition, with regard to the Collector and his Assistants, is declared to extend to the purchase, directly or indirectly, of any goods or commodities within the limits of his collectorship, for the purpose of remitting money to Europe.

Collector to keep complete, and preserve the public records.

XV. The Collector is to be careful that the accounts and records are kept complete, and duly preserved.

No advances of tuccavy to be made but by the sanction of Government.

XVI. The Collector is not to advance any money on account of tuccavy, without the express sanction of Government.

Rule with regard to receipts.

XVII. The Collector is to give monthly receipts for all payments of revenue into the Treasury, specifying the date or dates on which the money may be received, and the species of rupee in which each payment may be made. A register of these receipts is to be kept. A copy of this register is to be transmitted monthly to the Governor in Council, or as often as Government may require. A similar register of receipts is to be kept by all Comavisdars, Tehsildars, or other native officers intrusted with the immediate collection of the public revenue, and a copy of it is to be transmitted to the Collector monthly, or as often as he may require.

Monthly receipts for salaries to be deposited amongst the public records and registered.

XVIII. The monthly or other receipts for salaries, pensions, or allowances, of whatever kind, which may be paid by the Collector, are to be deposited amongst the public records, and a register of them is to be kept. A copy of the register is to be transmitted annually to the Governor in Council.

Collector resigning or removed, not to quit the station without a complete transfer of his trust, and the sanction of Government to his departure shall have been obtained.

Exception.

XIX. To prevent loss of revenue, or confusion in accounts, from the resignation or removal of the Collector, no Collector is to be permitted to depart from his station, until he shall have either delivered over complete charge of his trust to his successor or to his Assistant, and until notification shall have been made to the Governor in Council of his having complied with this rule, and their sanction shall have been obtained for his departure. This rule shall on no account be dispensed with, unless by special permission from the Honourable the Governor, which is to be granted only in particular cases that may appear to him to require it.

Collector may depute his Assistant on local inquiries.

XX. The Collector may depute his Assistant to make occasional local inquiries into the causes of balances or deficiencies in the revenue; but he is forthwith to advise Government of such deputations, and to conform to the instructions with which they may furnish him.

XXI. *First.*

Rules for the Collector's observance in regard to the revenue arising from the pergunnah or exterior landed funds under the castle and tunka, or the cessions by the treaty of May 1800 with the Nabob of Surat.

XXI. *First.* In realizing the pergunnah revenue, whether on account of the castle or tunkha, or the funds ceded under Regulation I. 1800, the Collector is to adhere to the established practice observed in the several districts for regulating the receipt of this part of the public income, which is realized in some places in conjunction with, and in others through the Marhatta officers; taking care always to exert a vigilant attention over his own Collectors, with a view to prevent any misconduct on their part, and to ensure, through their medium, the punctual realization of the revenue committed to their charge.

The Collector to keep Government advised of all changes and alterations in the establishments for this department.

Second. The Collector is to transmit to Government a list of the names of all the officers now employed in the pergunnahs in the realization of the castle, tunkha, or moghallaye branches of the revenues, with the allowances of each; and in the event of future changes in this establishment, either as to persons or salaries, he is to report the same with the circumstances occasioning them.

Rules for the Collector's observance, in respect to the cessions from the Guicowar, and the interior funds appertaining to the castle, tunkha, or moghallaye ceded revenues.

XXII. *First.* The rules in the following clauses are to be observed in respect to the revenue of the pergunnah of Chowrassy and Chickly, now under the Honourable Company's sovereignty, and respecting that derived from the mokauts, farms, licenses, and other description of the castle, tunkha, or ceded revenue, which the Collector himself realizes within the city of Surat and town of Randier.

Rules for stationing watchmen on the crops.

Second. The Comavisdars or Collectors in Chowrassy and Chickly are authorized to place watchmen on the crops, at the expense of the parties to whom they may belong, and are not to allow them to be cut down or carried away, until security shall have been given for the revenue payable therefrom on account of the year. If such security shall be given before the ripening of the first crops, the Comavisdar or Tehsildar is not to station watchmen over the crops; nor is any charge to be incurred on account of watchmen, by the persons who may be responsible for the revenue due from the lands. But where such security is not tendered, watchmen are to be stationed, and an allowance is to be levied on the party, by reason of whose default, in point of security, they are employed, the amount of which is to be regulated by the local custom and rate in like cases.

When payment of the instalments is to be demanded on the pergunnahs of Chowrassy and Chickly.

Third. The Comavisdars are not to issue a written demand for the payment of any kist or instalment until it be due; but when any person shall have failed to pay in his kist before, or on the date on which it may become due, the Comavisdar is to issue a dustuck, and to cause it to be served on the party in arrear, who, until he shall have discharged the amount, is to pay to the Peon employed in serving the dustuck, for the first three days, one anna per day, which rate shall afterwards be increased half an anna per day, until the kist be paid or until the dustuck be withdrawn, as hereafter provided for: but the defaulter shall not be subject to any further charge for the khorack, or subsistence of the Peon, or other account.

Rate of tullubana.

Comavisdars prohibited employing extra Peons.

Fourth. Comavisdars are strictly prohibited from employing extra Peons to serve the above-mentioned or any other dustucks. This duty shall be performed solely by Peons entertained on monthly wages, and who shall have given security for their good conduct, and whose wages shall be paid by Government out of the tullubana or subsistence money that may be levied from

Regulations regarding Peons entertained as monthly servants.

from the persons on whom they may serve the dustucks. Every Comavisdar is to report to the Collector the number and names of the Peons thus entertained by him, as well as such occasional dismissions, vacancies, and appointments, as may occur in this part of his establishment; and the Collector is to furnish the Comavisdar with a correspondent number of humailes, or badges, which such Peons are to wear, and without which they are not to perform any official act. On each of these badges shall be inscribed, in the Persian language and Arabic character, and in the Guzeratte language and character, "Humaildar of the Comavisdars of ..... (name of the "mohaul or district under the charge of the Comavisdar in whose service the "Peon may be employed)."

Mujmooadars to attest all dustucks or written demands for the revenue, and to report the same to the Collector;

and to transmit an attested list thereof to the Collector.

Fifth. Every dustuck issued by a Comavisdar or Tehseeldar for enforcing payment of a kist shall be attested by the Mujmooadar officiating in the tehsildary cutcherry, who, on the eighth of each succeeding country month, are to transmit to the Collector an attested list of all such dustucks as may have been thus issued; and the Peons, on their return with their dustucks, shall account to the Mujmooadar for the tullubana collected by them in conformity to their dustucks, and after retaining one moiety of the amount for their own subsistence, shall pay the other half to the Mujmooadar, receiving from him regular receipts for the sums so paid. The Peons are immediately to deliver these receipts into the dufter or office of the Comavisdar, who, on the twentieth of every succeeding month, is to forward an attested list of them to the Collector. The Collector is to cause the lists to be examined and checked by the attested list of the dustucks issued, which he will have previously received from the Mujmooadar, and to have entered monthly in the treasury accounts the neat realized amount of the reserved moiety of such tullubana, for which the Mujmooadar is to remain responsible.

How the tullubana is to be appropriated.

Process to be observed by the Collector in realizing the successive instalments, as they fall due, in respect to that part of the revenue collected by himself.

Sixth. The kists or instalments for each month receivable by the Collector from those who pay the revenue, are to be punctually made good by the date prescribed in each party's engagement with Government; and for all arrears not then paid, the Collector, at his discretion, on a consideration of the credit and responsibility of the parties, is either to issue his dustuck or written demand, or to send only a written notice by letter, or a verbal intimation, to pay in their instalments. But to all those who shall not have paid the amount due from them by four days after this intimation, the Collector shall issue dustucks, under his seal and signature, and the Peons serving such dustucks shall be directed to bring the party or parties to whom they are addressed, without delay, to the Collector's cutcherry, and also from the date of their dustuck to levy tullubana for the first three days, at the rate of two annas per day, to be augmented at the rate of one anna per day, until the kist be discharged, or until the dustuck be withdrawn, as hereafter provided for. Such dustucks, and all other summonses of the Collector, are to be served by the badge Peons on his establishment of public officers, hired at monthly wages, who shall be allowed to retain one anna per day for their subsistence out of the tullubana which they may levy. In cases, however, of unavoidable necessity, the Collector is permitted to employ extra Peons, who are to be allowed out of the tullubana which they may collect two annas per day for their subsistence. And on particular occasions, when, from the distance of situation or the necessity for dispatch, the Collector shall deem it

Rate of tullubana on the Collector's own dustucks.

Leviable by badge Peons.

By Sowars or horsemen.

proper, instead of a Peon to employ a horseman (Sowar) in the serving of any written demand for revenue, the tullubana to be collected by the horseman shall begin at the rate of four annas per day, and augment at the rate of two annas per day, until the demand specified in the dustuck be liquidated. The horseman shall be allowed to retain out of his tullubana four annas per day for his own maintenance and the subsistence of his horse.

Security to be given by Peons and Sowars employed in serving the Collector's dustucks.

All Peons, whether employed on monthly wages or those termed extra, and also Sowars, are to give security not to exact or receive, under any pretence, any sum or sums, or to accept of any subsistence for themselves or their horses, from any person or persons to whom they may be thus sent to demand payment of revenue, under the penalty of being made to refund double the amount, either by the Collector on such exaction or receipt coming to his knowledge, or in case of their being afterwards prosecuted on this account in the city court.

How the tullubana levied by the Collector is to be appropriated.

Seventh. The tullubana collected as above prescribed is to be accounted for at the end of every month by the Collector's Jematdar to the Collector's office, and the said Jematdar is then to pay in the amount thereof, according to an attested statement under the Collector's official seal and signature. This statement is to remain as a voucher in the said office, and an attested copy of it is to accompany his monthly accounts. From the gross receipts specified in it there is only to be deducted the subsistence money allowed to the Peons or horsemen, as authorized in the preceding section.

On whom the Comavisdars are to make their demand for the revenue payable through them.

Eighth. With respect to the lands or other funds under the Company's sovereignty, the revenue assessed on which is not paid huzoory (*i. e.* immediately to the Collector), the Comavisdar, at the expiration of the fifth day from the date of his dustuck's having been served, as specified in Clause third of this Section, without success, on the party or parties in arrear, is to cause similar written demands, under the same attestations and subject to the same progressive rate of tullubana, to be served on their sureties, if they shall have given sureties; and when the revenue in demand, together with the tullubana, shall be realized from the principal or surety, either at their places of abode, in consequence of the dustuck being served upon them, or at the Comavisdar's cutcherry, to which the Peons are to escort them, by such time (consistently with the period fixed in the ensuing section for their being sent to the Collector) as shall be specified by the Comavisdar in the dustuck, such dustuck or dustucks, together with the Peons serving the same, shall thereon be immediately withdrawn.

When the Comavisdars are to send in defaulters to the Collector.

Ninth. The Comavisdars are not to confine in jail, or put into stocks or irons, any persons, whether principals or sureties, who may be in arrears on account of the revenue; but in case of any such defaulter not paying up the demand on him by the tenth day after a dustuck shall have been served on a principal, or by the fifth day after the dustuck issued on his surety, such party or parties are invariably to be sent with a written report of the circumstances to the Collector.

Period during which the Collector may confine defaulters.

In such instances, and also in similar cases of huzoory malguzars (*viz.* those paying immediately to the Collector) or their securities, on whom he may have sent a dustuck or written demand, and summoned in the first instance, the Collector, after inquiring into the circumstances, shall, within ten days after the arrival of such defaulter or defaulters at his cutcherry (during which period of ten days he may either confine

confine their persons, or only keep over them the Peons with whom they arrived), either discharge him or them, on his or their paying the amount in demand, or satisfying the Collector that he or they will make good such payment before the expiration of the current Hindoo month; or otherwise the Collector is to cause the party or parties in question, after the expiration of ten days, to be conveyed to the jail of the Civil Court, and the Collector is to apply to the court by motion in writing, to be made in open court (if the court shall be sitting), for the confinement of the defaulter. If the court shall not be sitting, the motion is to be presented to the Judge out of court. The motion is to specify the amount of the arrear due from the defaulter, and the date on which it became payable. Upon the receipt of the motion, the Judge is immediately to order the defaulter to be confined in the jail of the court, and detain him until he shall have discharged the arrear for which he may have been taken into custody, and all subsequent arrears that may become due during his confinement, or until the Collector shall apply to the court, by motion made as above directed, to have him released.

When they are to be committed to the jail of the Civil Court.

Motion in writing to be made to the court on this occasion.

Judges to confine the defaulter.

XXIII. If the crops in any pergunnah or farm shall have been damaged or destroyed by drought, inundation, or other calamity of season, or from any cause not originating in the neglect, mismanagement, or misconduct of the proprietor or farmer, and such proprietor or farmer shall fall in arrears, so as to subject himself to be confined under Clause ninth, Section XXII, and the Collector shall be satisfied, from the best information which he may be able to obtain, that the defaulter is unable to make good the arrears by the end of the current month, as required in the said section, either from the collections on account of such year from his estate or farm, or from his private funds or property, or by a loan, he is directed to suspend the exercise of the powers vested in him in Clause ninth, Section XXII, for the confinement of the defaulter. But the Collector is immediately to report the circumstances of the case to the Governor in Council, with his reasons for not proceeding against the defaulter, and to wait for and be guided by the instructions which he may receive from them.

Cases in which the Collector is directed to suspend the exercise of the powers vested in him.

XXIV. All future Collectors and their Assistants, being civil servants of the Company, are to qualify themselves for entering on their offices by taking the oath set forth and prescribed in the Act of Parliament.

Oath to be taken by the Collector and his Assistant.

A. D. 1802. REGULATION XIV.

A Regulation *for the appointment of Vakeels or Native Pleaders in the Civil Courts of Surat, and Salsette, Caranja, &c.:* Passed *by the Governor in Council on the 24th of September* 1802 *(corresponding with the 13th of Bhadra Vud, Sumbut or Vekramajit Era,* 1859; *Salbahan,* 1724; *and 26th of Jamadee ul avul,* 1217 *Hejry).*

I. In the courts of civil judicature in the British territories under the presidency of Bombay, the parties in suits have hitherto had the option of pleading their causes in person, or appointing such Vakeels or agents for that purpose

purpose as they have thought proper. The generality of these Vakeels have been either private servants or dependants of the parties deputed to plead the particular cause in which their employers were engaged, or men who followed the business of a Vakeel to obtain a livelihood, and appeared in the courts of justice, or wherever the concerns of their constituents required their attendance. The Vakeels of the first description are, for the most part, necessarily unacquainted with the constitution and forms of the courts. These Vakeels being unaccustomed to judicial proceedings, protracted the trials by producing unnecessary exhibits, stating irrelevant questions to the witnesses, and summoning persons to give evidence whose testimony was unessential to the development of the merits of the case. The very slight knowledge which they in general possessed of the Mahomedan or Hindoo law, and their still more limited acquaintance with the Regulations passed by the British Government (upon which the security of the persons and property of the inhabitants chiefly depends), rendered them incapable of urging the best arguments in support of the claims of their constituents, or of judging whether the decisions and proceedings of the courts were conformable to the laws and regulations or otherwise. The Vakeels of the second description, although better acquainted with the practice of the courts than the first, were equally unfit for their situations. They assumed and relinquished the occupation without apprizing the courts in which they acted. When they appeared in the capacity of Vakeels, no inquiries were made to ascertain whether they were qualified for the employment; nor were there any rules prescribed as a security to the constituents for the diligent and faithful performance of their trusts. Equally with the first description of Vakeels, they were little versed in the laws and regulations of the country, and not having the protection of a public character, and their situations in the court not being defined by any Regulations of Government, they were subject in the same degree to the intrigues and assumed influence of the ministerial officers of the courts, and unable to protect their employers from oppression and exaction. On the other hand, the allowances of these Vakeels not being fixed by any public Regulations, and as they were generally entertained upon a fixed salary, their demands were frequently exorbitant; and when engaged, it became their interest to protract, instead of expedite, the decision of the suit, as their salary ceased with the termination of it. Pleaders of the above descriptions not only rendered a speedy and impartial administration of the law impracticable, but were at all times liable to be made the cloaks to intrigue and injustice. To establish security of property, and protect individuals in the enjoyment of the privileges and immunities which have been granted to them, many Regulations must necessarily be enacted. The great body of the people, although they will feel the benefit of their operation, must necessarily be precluded by their pursuits and occupations in life from attending the courts of justice, or acquiring a sufficient knowledge of the laws and Regulations, to qualify them for pleading their own causes. It is therefore indispensably necessary for enabling the courts duly to administer, and the suitors to obtain justice, that the pleading of causes should be made a distinct profession, and that the persons admitted to plead in the courts should, as far as possible, be men of character and education,

education, versed in the laws of the country, and in the Regulations passed by the British Government; and that they should be subjected to rules and restrictions calculated to secure to their clients a diligent and faithful discharge of their trusts. Pleaders of this description will urge the best arguments for and against every claim; and it is essential to the due administration of justice, that such arguments should be offered to the Judges. Their judgment cannot then often err; and when it does, the error will be invariably pointed out to the higher courts. The pleaders, therefore, on either side, whilst they will bring the merits of every case to light, and collect into one point of view the information necessary to enable the courts to form their opinion upon it, will be a check upon them, by exposing every deviation from the law in their judgments. As individuals will in general commit the management of their suits to the pleaders who may be best qualified to plead them, the parties in suits should have the option of employing such of the pleaders as they may think proper; and as an additional security for the zeal and fidelity of the pleaders, the parties ought to have the power of withdrawing the management of their causes from the pleaders whom they may entertain, whenever they may be dissatisfied with their conduct. The advantages of the pleaders will then be proportionate to their zeal, abilities, and integrity, at the same time that their exertions to acquire reputation and emolument will necessarily conduce to the improvement of the judicial system. That the pleaders may not be deterred from pleading the causes of their clients with becoming freedom, and that men of education and respectable character may be solicitous to be admitted as pleaders in the courts, their appointments ought to be secured to them as long as they conform to the Regulations under which they act, and they should not be removable until they have been proved guilty of a breach of those Regulations to the satisfaction of the Governor in Council. By the erection of tribunals constituted upon the principles of the courts of justice established under the Regulations passed in 1799 and 1800, and confining the pleading of suits to persons possessing the qualifications and acting under the rules and restrictions hereafter enacted, individuals will be satisfied that personal solicitation and intrigue (the necessary result of a want of courts constituted upon such principles as to enable persons of every description to procure a speedy and impartial administration of the law) is not requisite either to obtain their own rights, or to defend themselves from oppression or the unjust claims of others. They will feel that they have an impartial and all-powerful protector in the laws, and that through the means of the public pleaders they can at all times command the exercise of the judicial powers of Government lodged in the courts, for the redress of any injuries which they may sustain, either in their persons or property.

Sudder Adawlut empowered to appoint a sufficient number of pleaders to plead the causes of the civil courts of judicature.

II. The Sudder Adawlut is empowered to appoint, from time to time, such a number of pleaders of the Mahomedan, Hindoo, or Parsee persuasion, or (in the court of Salsette, Caranja, &c.) native Portuguese, as may appear to them necessary to plead the causes of the parties in suits in the Sudder Adawlut, and in the civil courts of Surat and of Salsette, Caranja, &c.

Sunnud to be granted to pleaders.

III. The Sudder Adawlut is to cause a writing, under the seal of the court, and attested by the Register, to be delivered to each of the persons whom they admit as pleaders in the several courts, specifying the name of the pleader, the date of his appointment, and the court in which he may be admitted, and empowering him to plead in it under the rules contained in this Regulation, or such other Regulations as the Governor in Council may hereafter enact.

Oath to be taken by pleaders upon their first admission.

IV. Every pleader, previous to his being allowed to practice, is to take and subscribe the following oath before the court in which he may be admitted:

"I, A. B., solemnly swear, that I will truly and faithfully execute the duties of pleader of the Sudder Adawlut (or of the civil court of..... or.....), to the best of my knowledge and judgment."

Half yearly oath to be taken by the Mahomedan pleaders.

And every six months, that is, on the 1st of January and the 1st of July in each year, the Mahomedan pleaders of the several courts are to take and subscribe the following oath before the court in which they may respectively practice:

"I, A. B., solemnly swear, that from the 1st January to the 30th June "last (or from the 1st July to the 31st December last), I have truly and "faithfully executed the duties of pleader in the Sudder Adawlut (or the "civil court of..... or city of .....), to the best of "my knowledge and judgment."

What descriptions of persons are to be selected for pleaders.

V. The pleaders are to be selected from persons who may be qualified and be desirous of being admitted to plead in any of the courts, provided they be Mahomedans, or Hindoos, or Parsees, or (in the court of Salsette, Caranja, &c.) native Portuguese, previously however ascertaining that they are men of good character and liberal education, and giving a preference, in all cases, to persons of this description who have been bred to the study of the Hindoo or Mahomedan law, or are known to be conversant in the usages and customs of the Parsees and Portuguese of India.

A copy of all Regulations, with the translates, to lie for public inspection in the courts.

VI. That the pleaders in the several courts, as well as all other persons, may have it in their power to render themselves acquainted with the Regulations enacted by the British Government, there shall be kept for public inspection in the several courts of judicature, printed copies of all such Regulations, with translates in the country languages, bound up with an Index, as directed in Section X, Regulation I. 1799. Until the Regulations that may be passed in each year are so bound up, the separate copies of each Regulation, with the translates, as they may be printed and circulated to the courts, are to be exposed as above directed. The Regulations are to be deposited upon a table to be expressly allotted for that purpose, in some part of the court-room, and to lie for public inspection every day (Sunday excepted), from the hour of nine in the morning until three in the afternoon; and during that time, the pleaders of the courts, and all other persons, are to be at liberty to refer to the Regulations, or take copies or extracts from them in the court-room.

Four annas to be presented to a pleader as a retainer.

VII. Upon a pleader agreeing to undertake the prosecution or defence of a suit, the party entertaining him is to present him with four annas, or a quarter

quarter of a rupee, as a retainer, which is to preclude him from being employed in the same cause against the person so retaining him. The pleader, immediately upon receiving the retainer, is to give a written acknowledgment for it, specifying the date on which it may be delivered to him. If any pleader shall receive such retaining fee, and afterwards refuse or omit to carry on the suit of his client, he shall be dismissed from his office. The retainer is to be exclusive of the fees specified in Section IX.

Pleaders receiving a retainer, and not carrying on the suit, to be dismissed.

VIII. When a party in a cause shall have retained a pleader, and taken his receipt for the retainer, he is to execute to him a vakalutnamah, constituting him pleader in the cause, and authorizing him to prosecute or defend the plaint or appeal (according as the party may be plaintiff or appellant, defendant or respondent), and binding himself to abide by and confirm all acts which such pleader may do or undertake in his behalf in the cause, in the same manner as if he had been personally present and consenting. The party is to sign the instrument with his name, or put his mark to it (if he shall be unable to write his name), and (if he shall have a seal) affix his seal to it, in the presence of two credible witnesses, who are likewise to attest it in the same manner.

Parties to execute vakalutnamah, or powers of attorney, to their pleaders, vesting them with the powers herein mentioned.

How to be signed, sealed, and attested.

IX. The pleaders of plaintiffs and defendants in the Civil Courts of Surat, and of Salsette, Caranja, &c. and of appellants and respondents in the Sudder Adawlut, are to be allowed, as fees for pleading the causes of their clients, the following per-centage on the sum of money, or the value of any personal property, which may constitute the subject of the suit.

Fees to be allowed to pleaders in the Civil Courts and Sudder Adawlut,

On suits for money or personal property.

On sums not exceeding one thousand Bombay rupees...	five per cent.	
Ditto ..... five thousand	four	do.
Ditto ..... ten thousand	three	do.
Ditto ..... twenty-five thousand	two	do.
Ditto ..... fifty thousand	one	do.
Ditto ..... one lack	three-quarters	do.
On sums above a lack	one-half	do.

On suits for land subject to the payment of public revenue, and on land exempt from the payment of public revenue, and on tanks, gardens, or other real property, not being land of the two descriptions above-mentioned.

To whom the fees of the pleaders and other costs of suit are to be ultimately charged.

The pleaders are to receive the above fees on the amount of the annual jumma payable to Government, if the suit be for land subject to the payment of public revenue; and if it be for land held exempt from the payment of public revenue, on the amount of the annual produce. If the suit shall be for a house, tank, garden, or other real property, not being land of the two descriptions above-mentioned, the pleaders are to receive as fees the above per-centage on the estimated value of it. If the decree shall be given against the defendant or respondent, and the whole of the money or property which may be demanded by the plaintiff or appellant shall be decreed to him, a sum equal to the whole of the fees of his pleader shall be adjudged to the plaintiff or appellant, in addition to the costs which may be awarded to him. But if only a part of the money or property claimed is decreed to the plaintiff or appellant, a sum bearing the same proportion to the annual produce, if that part be held exempt from the payment of public revenue, or to the annual public revenue, if that part be land subject to the payment of revenue to Government, or if that part be money or some specific thing, to the money or value of the thing decreed, as the fee did to the demand laid in the complaint or appeal, is to be decreed and added to the costs which may be awarded

awarded to the plaintiff or appellant, and the sum so added is to be recovered from the defendant or respondent, together with the fees of his own pleader, in the same manner as all other sums which may be decreed are ordered to be recovered. If the suit of the plaintiff or appellant shall be dismissed, whether upon an investigation of the merits of it or otherwise, and a decree shall be accordingly given against him, he is to pay his own costs and the fees of his pleader, and the fees of the pleader of the defendant or respondent, and such costs as the court may think proper to award to him; and the court is to levy the sum which may be so adjudged to be paid by the plaintiff or appellant in the same manner as all other sums decreed by the court are ordered to be recovered. The Judges of the courts of Surat, and of Salsette, Caranja, and the Sudder Adawlut, are enjoined to make it an invariable rule to insert in their decrees all sums paid or payable by the parties on account of the costs or expenses of the suit, whether for fees to pleaders, compensations to witnesses, subsistence money to Peons deputed to serve summonses, or other account; and the parties are not to be liable to the payment of any other costs or expenses, excepting such as may be inserted in the decree. But no suit whatever shall be received in either of the courts of Surat, or of Salsette, Caranja, &c., nor in the Sudder Adawlut, until the complainant or appellant shall have given good security for the payment of the fees of the pleaders whom he may employ. Upon his giving such security, the suit is to be received, and process is to be issued against the defendant or appellant, who is likewise to be required to give security for the payment of the fees of the pleader whom he may entertain, in addition to any other security which may be required from him for the performance of the decrees or orders of the court.

Courts enjoined to insert in their decrees all costs and expenses paid or payable by the parties.

Fees of pleaders not payble until a decision in the cause is passed.

X. The fees of the pleaders are to be payable upon a decision being passed in the cause, whether upon an investigation of its merits, or otherwise, and not before. The fees are then to be forthwith levied by the court from the parties by whom the decision may declare them payable; nor shall the execution of the part of the decision of the Civil Courts of Surat, or of Salsette, Caranja, &c. which may relate to the payment of the fees of the pleaders, be stayed or postponed in consequence of an appeal being preferred from the decision, or on any other account whatsoever. And if a pleader shall be removed from his office, or die, or resign, previous to the decision of any causes depending in which he may have been entertained, neither he nor his heirs are to be entitled to any fees on account of such causes, but they are to be paid to the persons who may act as pleaders for the parties when the causes may be brought to a decision.

If a pleader shall be removed from his office, or die or resign, before the decision of a cause, to whom the fees are to be paid.

Parties at liberty to entertain two pleaders, and the fees to be divided between them, if any two pleaders shall consent to undertake the cause.

XI. If a party in a suit in any of the courts of justice shall be desirous of committing the pleading of his cause to two pleaders, and any two of the pleaders shall agree to undertake the suit, and to divide the authorized fees between them in an equal or any other proportion; it shall be permitted to the party to pay, and the pleaders to receive such fees; and the proportions in which the fees are to be divided between the pleaders are to be specified in the vakalutnamah.

XII. If

Parties at liberty to entertain two pleaders, and to agree to pay them both the full fees.

XII. If a party in a suit in any of the courts of justice shall be desirous of entertaining two pleaders, and shall, of his own accord, agree to pay to each of the pleaders the full fees allowed to pleaders by this Regulation, it is permitted to the party to pay, and the pleaders to receive such fees. But the opposite party in the cause, supposing him to be cast, shall only pay the fees of one pleader, or such part of them as the court may adjudge. The fees of the other pleader are to be considered as a separate expense, defrayable by the party entertaining him, for which he is not to be reimbursed in any case whatsoever.

But the opposite party, if cast, not to be charged with any part of the fees of the extra pleader.

Pleaders to receive only half of the established fees, in the event of a suit being withdrawn before the plaint or appeal, answer, reply, and rejoinder shall have been filed in court. Pleaders to receive full fees if the suit shall be withdrawn after the above-mentioned papers have been filed.

XIII. If a suit shall be withdrawn before the plaint, or the petition of appeal, the answer, reply, and rejoinder shall have been filed in court, the pleaders of the plaintiff and defendant, or the appellant and respondent, shall each be entitled to only half of the established fees. If a suit shall be withdrawn at any time after the plaint or the petition of appeal, the answer, reply, and rejoinder shall have been filed in court, the pleaders are to be entitled to the full fees, in the same manner as if judgment had been given in the cause. The fees, in both of the above-mentioned cases, are to be paid by the plaintiff or appellant withdrawing the suit, together with all the admitted costs incurred by the defendant or respondent, in consequence of the preferring of the suit or appeal. If either party shall have employed two pleaders, under the option given them in Section XI, each pleader is to receive one-half of what he would have received had the suit been brought to trial. Should either party have entertained two pleaders under Section XII, the extra pleader is to receive only one-half of the fees to which he would have been entitled had the cause been brought to a decision.

Pleaders allowed a fee of four annas for every petition or motion they may present or make to the court, in the causes herein specified.

XIV. The pleaders in the several courts are permitted to demand and receive a fee of four annas for every petition which they may present, or motion that they make in writing to the court, provided that the motion or petition shall not relate to any suit depending before the court, wherein the person on whose behalf they may present such petition or make such motion may be a party. The fee above allowed shall be payable upon the court passing an order upon the petition or motion, and not before. But all petitions and motions presented or made in any of the courts, on behalf of parties in a suit in which the fees in Section IX. may have been paid or may be payable, from the filing of the suit until a final decision upon it is passed, whether in the court in which it may be first instituted or in appeal, and until that decision is enforced, are to be considered as paid for by the fee allowed to the pleaders in the above-mentioned section; and the pleaders in the several courts are required to make all such motions and do all such acts as their clients may require, relating to any suit in which they may have received fees, after a decision shall have been passed, and until the suit shall be settled and the final judgment be enforced.

Pleaders to give receipts for all papers that may be entrusted to them by their clients.

XV. Pleaders are to give written receipts for all accounts, writings, or documents, that may be delivered to them by their clients in the course of any process or suit. If a pleader shall refuse to return such accounts, documents, or writings, although some of them should concern him principally, the court, upon a petition being presented to them for that purpose by the owner of the papers withheld, is to cause them to be restored.

Pleaders guilty of disrespect to the court liable to be fined.

Fine how to be levied.

XVI. If a pleader shall be guilty of disrespect to the court in open court, the court is empowered to impose a fine upon him, not exceeding one hundred rupees, and to levy the amount by deducting it out of the fees that may become due to the offender, or by the process which is prescribed for enforcing decrees of the court.

Pleaders convicted of litigiousness, frauds, or gross misbehaviour, to be suspended by the court to which they may be attached.

Court to report the suspension within a month to the Sudder Adawlut. Sudder Adawlut to fine such pleader or not, and restore or dismiss him, as they may judge proper.

XVII. Pleaders convicted of promoting and encouraging litigious suits, or of frauds, or of gross misbehaviour, although not relating to any cause in which they may be concerned, are to he suspended. The court is to report the grounds of the suspension, within a month after it shall have taken place, to the Sudder Adawlut, which court is either to fine such pleader or not, and allow him to resume his practice or dismiss him from his office, according as they may think proper upon a consideration of the circumstances of the case.

Pleaders wilfully delaying the suit of their clients, liable to a prosecution, and to dismission by the Sudder Adawlut.

XVIII. If a pleader shall wilfully delay the suit of his principal for his own advantage, he is to be liable to be prosecuted by him for damages; and if he shall be convicted, the Judge is to suspend him, and report the circumstances to the Sudder Adawlut, which court, provided the charge be proved to their satisfaction, is to dismiss the offender from his office.

Pleaders not to receive any fee or reward whatever not authorized by the Regulations; under pain of being suspended by the court to which they may be attached, and dismissed.

XIX. Pleaders are not to demand or accept from their clients any fee or sum of money, or any goods or effects, or valuable consideration, for pleading their causes, besides the fees that they are or may be expressly authorized to demand and receive by this Regulation, or such Regulations as may be hereafter enacted. If a pleader shall be convicted before the court to which he may be attached of acting contrary to the prohibition contained in this section, the court is to suspend him from the exercise of his functions, and report the circumstances to the Sudder Adawlut, which court, if there shall appear to it sufficient cause for so doing, is to dismiss the offender from his office.

Pleaders of the same court to be allowed to act for each other, in the cases and under the provision herein specified.

XX. In case of the temporary absence of a pleader from indisposition or other cause, the court may permit any other pleader of the court to act for such absent pleader in any cause or causes in which he may be engaged, provided the parties by whom such absent pleader may have been entertained shall give their consent, by a writing under their seal and signature, and attested by two credible witnesses, to be filed in court.

Pleaders in one court not to be allowed to act in another without the orders of the Sudder Adawlut.

XXI. The Vakeels attached to one court are not to be allowed to plead in any other court without the sanction of the Sudder Adawlut.

No pleader to be dismissed from his office but for incapacity or misconduct, proved to the satisfaction of the Sudder Adawlut.

XXII. No pleader is to be dismissed from his office but for incapacity or misconduct in the discharge of his public duty, or gross profligacy or misbehaviour in his private conduct, proved to the satisfaction of the Sudder Adawlut. In cases in which it shall be proved to the satisfaction of either of the Civil Courts of Surat, or of Salsette, Caranja, &c. that any pleader attached to their respective courts is unqualified for his office from incapacity, or that he has committed any act which subjects him to dismission from his office, the court is to suspend such pleader from the exercise of his functions, and to certify all the papers and proceedings relating to the case to the Sudder Adawlut, and wait the orders of that court.

XXIII. The

XXIII. The Governor in Council is to appoint one, two, or more of the authorized pleaders in the Sudder Adawlut, and in the courts of Surat, Salsette, &c. to prosecute any suits in those courts, respectively, which may be directed to be carried on at the public expense by any Regulation, or by a special order from the Governor in Council.

Governor in Council to appoint pleaders in the several courts to plead for Government, in suits which may be directed to be carried on at the public expense.

XXIV. Every person who may be appointed a pleader for Government in any of the courts of judicature, is to take and subscribe the following oath before the court in which he may be appointed to plead:

"I, A. B., solemnly swear, that I will execute the duties of pleader for "Government in the court of Sudder Adawlut (or the civil courts of..... "..... or .....), to the best of my knowledge and judgment."

And every six months, *viz.* on the 1st of January and the 1st of July in each year, the pleaders for Government who may be Mahomedans are to take and subscribe the following oath before the court to which they may be respectively attached:

"I, A. B., solemnly swear, that from the 1st January to the 30th June "last (or from the 1st July to the 31st December last) I have truly and "faithfully executed the duties of pleader for Government in the Sudder "Adawlut (or the civil court of ..... or .....), to the best "of my knowledge and judgment."

Oath to be taken by pleaders of Government upon their appointment and every six months.

XXV. The Governor in Council is to cause a sunnud, under the Company's seal and attested by the Secretary, to be delivered to each of the pleaders for Government, in which shall be specified the name of the pleader, the date of his appointment, and the court in which he is to plead, and empowering him to plead therein, under the rules contained in this Regulation, or such other Regulations as the Governor in Council may hereafter enact.

Sunnud of office to be granted to the pleaders for Government.

XXVI. The pleaders for Government are to undertake all causes which they may be directed to plead by orders from Government, or that may be directed by any Regulation to be carried on at the public expense, upon receiving a special order for that purpose immediately from the Governor in Council, or from any officer or officers empowered by any Regulation to superintend such suits, and furnish them with instructions for the conduct of them. The order of Government, or of such officer or officers, is to be filed in the court, as the authority for the pleader to plead the cause, and to form a part of the record of the proceedings.

What is to be considered as authority to the pleaders of Government to plead a cause.

XXVII. The pleaders for Government are not to advise or be concerned, directly or indirectly, on behalf of the opponents of Government, in suits that are directed to be carried on at the public expense. In all other suits the pleaders for Government are to be at liberty to plead for either of the parties, in the same manner as the other pleaders of the court.

Pleaders for Government not to plead or be concerned against Government.

Pleaders for Government at liberty to engage on either side when Government is not a party.

XXVIII. The pleaders for Government are to be paid the same fees in causes directed to be pleaded at the public expense as pleaders employed in causes between individuals, and under the same rules and restrictions.

Pleaders for Government to be paid the same fees for pleading suits carried on at the public expense as are allowed to pleaders pleading for individuals.

XXIX. In

Pleaders pleading for Government to be subject to all the rules prescribed to pleaders pleading for individuals, except where it may be otherwise expressly directed.

XXIX. In pleading suits directed to be carried on at the public expense, the pleaders for Government are to be subject to all the rules prescribed to them when pleading on behalf of individuals; except in matters or cases in which it may be otherwise specially directed by any Regulation.

Parties in a suit permitted to change their pleaders during the time that the cause may be depending, under the restrictions herein specified.

XXX. A party in a suit who may be dissatisfied with the conduct of his pleader, is to be at liberty, at any stage of the trial previous to the passing of the decision, to withdraw the powers delegated to him, and to appoint another pleader to plead the cause. The party is, in such case, to present a petition to the court, notifying that he has withdrawn the management of his suit from such pleader, and to file a vakalutnamah in the name of the pleader whom he may appoint to carry on the suit. All acts done or performed by the dismissed pleader on the part of his client, are to be held equally valid as if he had been continued as pleader in the cause.

Pleaders liable to prosecution by their clients for fradulent or bad practices in their suits.

XXXI. The parties in a cause are to be at liberty to prosecute the pleaders whom they may have employed for any breach of this Regulation, and for any fraudulent or bad practices regarding the suit.

Pleaders not to absent themselves but in case of indisposition, which is to be notified in writing to the Register.

XXXII. If a pleader shall be unable to attend the court from indisposition, he is to notify it in writing to the Register of the court; and if any cause in which such pleader may be engaged shall come on before the court on the day on which he may be absent, the hearing of the cause is to be postponed to a future day, unless the absent pleader, with the consent of his client, shall commit the management of the cause to any other pleader of court. If a cause in which a pleader may be engaged shall be brought on, or the court shall have occasion to make any inquiries from him respecting it, and the pleader shall not be present in court, and his absence shall not be occasioned by indisposition, or if it shall have proceeded from indisposition and he shall have omitted to notify his inability to attend to the Register, the court shall fine him for the first offence fifty rupees, for the second one hundred rupees, and for the third he shall be dismissed from his office. The fines which may be imposed in the above cases are to be levied in the same manner as the fines mentioned in Section XVI.

Punishment for pleaders guilty of a breach of this rule.

Individuals to have the option of pleading their causes in person, without employing a public pleader.

XXXIII. No part of this Regulation is to be construed to prohibit or prevent any individual from appearing and pleading his own cause in person in any of the courts of civil judicature, without employing a public pleader.

A.D. 1803. REGULATION I.

A REGULATION *for the Establishment of a Town Duty on the Principle of the Calcutta Town Duty, with certain Modifications adapted to the local Situation of Bombay:* PASSED *by the Governor in Council on the 4th of February* 1803 *(corresponding with the 13th Magh Sood, Sumbut or Vekramajit Era,* 1859; *Salbahan,* 1724; *and 11th of Shaval,* 1217 *Hejry).*

1. THE Most Noble the Governor General in Council having deemed it expedient to direct that a town duty be established at Bombay, on the principle

ciple of the Calcutta town duty, in his letter to the Governor in Council of Bombay, under date the 1st April 1801, with such modifications as might be judged necessary in order to adapt it to the local situation of Bombay, and the Governor in Council having, in consequence, passed a resolution, under the 9th October 1801, that such town duty should be immediately levied, the following rules for the collection of this duty are hereby enacted, to take effect from that date; save and except in respect to the single article of cotton, on which this Regulation is to have effect only from the date of its promulgation.

Bombay Custom-master to collect the town duties, under the rules prescribed in Section II, Regulation VI. 1799, for his own department.

II. The Custom-master of Bombay shall collect the town duties, under the same rules as prescribed in Section II, Regulation VI. 1799.

To commence his collections as soon as the captains or supra-cargoes of vessels on which goods may be imported shall have conformed to rules prescribed for the collection of customs by Regulation VI. 1799.

III. The Custom-master shall proceed to collect the town duties on goods imported and liable thereto, as soon as the captains or supra-cargoes of the vessels on which the goods may be imported shall have conformed to the rules directed to be observed by Regulation VI. 1799, for the collection of customs, or any future Regulation which may be established.

Advances to be made on the prime cost of the articles, subject to the town duties.

IV. The advances to be made on the prime cost of the articles, according to the rules laid down for the collection of customs in Section VIII. Regulation VI. 1799.

A duty of one rupee per Surat candy to be levied on all cotton imported in bales or docras, without any drawback on re-exportation.

V. A duty, at the rate of one rupee per Surat candy, shall be levied on all cotton imported, whether in bales or docras, without any drawback on re-exportation.

Goods on which four per cent. duties are liable particularized.

VI. *First.* A duty, at the rate of four per cent., shall be levied on the undermentioned goods, when imported into the town of Bombay, with the exceptions hereafter specified:

Oil,	Shawls,	Rose-water,	Mace,
Ghee,	Wax candles,	Sandal-wood,	Cloves,
Turmeric,	Sugar,	Saltpetre,	Nutmegs,
Beetlenut,	Goor or Jagree,	Black pepper,	Cinnamon, and
Tobacco,	Molasses,	Chilly pepper,	Cassia.
Pawn,	Piece goods,	Cardamums,	

Conditions on which goods imported wholly or in part for re-exportation are to be warehoused without paying the town duty.

Secondly. The undermentioned goods, when imported for the purpose of being wholly or in part re-exported, may be warehoused without paying the town duty, under the following conditions:

Shawls,	Mace,	Nutmegs,	Cassia,
Cardamums,	Cloves,	Cinnamon, and	

To be placed in warehouses, under the immediate charge of the Custom-master.

Thirdly, Sugar,	Piece goods,	Sandal-wood, and
Saltpetre,	Black pepper,	Beetlenut,

To be placed in warehouses provided by the proprietors, being previously approved by the Custom-master, who is to place locks thereon; and the said warehouses are not to be opened, or any goods delivered therefrom, without previous application to the Custom-master, who is, immediately on receipt of such application, to depute a person to take an account of the delivery.

Form in which an entry of any goods so warehoused, required to be taken out for town use, is to be made at the custom-house.

VII. When any of the goods so warehoused shall be required to be taken out for town use, the proprietor to make an entry for the same at the custom-house, in the following form, *viz.*

" Bombay Custom-house. Entry for town use.
" Sugar, Surat maunds .....
" Imported ....., per ship ....., from.....
" Deposited in Warehouse No. .....
" *Bombay*, ... 1803, *(Signed)* A. B."

The entry being made, the town duties to be immediately paid, and the Custom-master to permit the goods to be delivered.

VIII. On the above entry being made at the custom-house, the town duties are to be immediately paid, and the Custom-master to give his permission for the goods to be delivered.

Form in which entry of warehoused goods taken out for exportation is to be made at the custom-house.

IX. When warehoused goods are taken out for exportation, an entry to be made at the custom-house in the following form, *viz.*

" Bombay Custom-house. Entry for exportation.
" Sugar, 100 chests, weighing .....
" Imported ....., per ship ....., from China.
" Deposited in Warehouse No. .....
" To be exported .....
" per boat Sacry, Tindal ....., to Bhownaghur.
" Value Rupees .....
" *Bombay*, ... 1803. *(Signed)* C. D."

To be then permitted to be exported, regular entry of the export being made in the books.

X. On this entry being made at the custom-house an order is to be given for the exportation, and regular entry made in the books.

Town duties to be paid on the quantity of deficient goods, on its being after ascertained in the clearing out of any private warehouses.

XI. If on clearing out any of the private warehouses there should be a deficiency in the quantity of goods deposited therein, the Custom-master is to charge town duties for such deficiency.

Custom-master to permit goods to be removed from one warehouse to another, for the purpose of repacking or for any other good and sufficient cause.

XII. The Custom-master may permit goods to be removed from one warehouse to another, for the purpose of repacking, or any other good and sufficient cause.

No drawback allowed on goods taken out the warehouse for town use, on the export of those goods by the purchaser.

XIII. The privilege of warehousing being given to the above goods, and the town duties only made payable on their being issued for home consumption, no drawback to be allowed if the purchaser should afterwards export them.

Transhipment of goods without landing or warehousing not subject to the town duty.

XIV. The mere transhipment of goods, without landing or warehousing, shall not subject them to the town duty.

Liquors to what duties subject.

XV. Liquors shall be subject to the following duties, *viz.*

Liquors in Casks.

	Rs.	Q.	R.
Wine of whatever kind, Rum, Brandy, and Gin, per pipe of 120 gallons	12	0	0
Batavia Arrack, per leager of 150 gallons.....	55	0	30
Beer, Pale Ale, Cyder, Perry, and Vinegar, per hogshead.....	2	2	0

Liquors in Bottles.

Cherry or Raspberry Brandy, Ratafia, and Cordials of every description, per dozen pints.....	6	0	0

	Rs.	Q.	R.
Red and White wine, per dozen quarts	0	2	0
Brandy, Rum, and Gin, per ditto	1	0	0
Beer, Porter, Cyder, Perry, and Vinegar, per ditto	0	0	75
Gin in cases, per case of fifteen bottles, or seven gallons and a half	6	0	0
Ditto in ditto, per ditto of twelve ditto, or three ditto and a half	3	0	0

Ten per cent. deduction allowed on account of leakage, if the casks are not filled up before passing the custom-house. If filled up before, no leakage or ullage allowed.

XVI. A deduction of ten per cent. shall be made on account of leakage on all liquors, if the casks are not filled up before passing the custom-house. If the importer prefers filling up the casks before he passes them, no leakage or ullage to be allowed.

Liquors spoilt by the voyage, the town duties to be repaid, on the fact being ascertained on oath to the Custom-master's satisfaction.

XVII. In the event of liquors proving entirely spoilt by the voyage, the town duties to be repaid; the fact to be certified on oath by competent persons, to the satisfaction of the Custom-master.

Goods on which town duties are payable when landed particularized.

XVIII. The town duties on the undermentioned goods to be levied when landed, *viz.*

Liquors in casks and bottles,	Ghee,	Pawn,	Molasses,
Oil,	Turmeric,	Wax candles,	Rose-water, and
	Tobacco,	Ghoor or Jagree,	Chilly pepper.

Form and condition on which the drawback is to be allowed on these goods being re-exported for sale.

XIX. When any of the above goods are re-exported for sale, the exporter shall be entitled to a drawback of the town duties paid thereon, on making the following entry at the custom-house and shipping off the goods.

" Bombay Custom-house. Entry for exportation.
" Madeira wine, 50 pipes.
" Imported ....., per ship ....., from Madeira.
" To be exported by .....,
" ship ....., commander ....., for Madras.
" Value Rupees .....

" A. B. maketh oath, and saith, that the above wine was purchased by him " from (as the case may be), that the same was imported in the ship " ....., and that, to the best of his knowledge and belief, the town " duties have been paid thereon.

Parcels for individuals or necessaries subject to the rules established for the collection of the three and a half per cent. or Government customs.

XX. Parcels for individuals, or necessaries, shall be subject to the same rules as established for the collection of the three and a half per cent., or Government customs.

Goods imported on certificates from the other settlements not exempted from town duties.

XXI. Goods imported on certificates from the other settlements shall not be exempted from these duties in consequence of such certificates, which are to be considered as relating to the Government customs of three and a half per cent. only.

Custom-master to make out and deliver separate bills for the town duty.

XXII. The Custom-master shall make out and deliver separate bills for the town duty.

All duties collected under this Regulation to be registered.

XXIII. All duties collected under this Regulation shall be entered on a register kept in the following form:

General

Form of the register.

General Register of the Town Duty collected on Imports.

Folio on the General Register of Imports.	Description.	Prime Cost.	Rate of Duty.	Amount of Duty collected.

Register to be also kept of drawbacks on goods re-exported.

XXIV. A register shall be kept for drawback allowed on goods re-exported, in the following form:

Form of the register.

Register of Goods exported, on which Drawback has been allowed.

Date of importation in General Register.	Description.	Amount on which Duty has been collected.	Rate of Drawback.	Amount of Drawback paid.

Goods warehoused under the immediate charge of the Custom-master liable to warehouse rent, if in his custody more than ten days.

Rates of warehouse rent.

XXV. Goods placed in the warehouses under the immediate charge of the Custom-master to be liable to the following rates of warehouse rent, if they remain in his custody more than ten days.

Shawls ..... one rupee per 100 per month.

Cardamums, Mace, Cloves, Cassia, Nutmegs, and Cinnamon } one rupee per 30 cubical feet per ditto.

Bales, Chests, Piece-goods, &c. not above described ..... } one rupee per 50 cubical feet per ditto.

A. D. 1803. REGULATION II.

A REGULATION *for modifying Parts of Regulations* I. *and* VII. 1800, *and for lessening the Sum on the Amount of which Suits are appealable from the Civil Court at Surat to the Sudder Adawlut:* PASSED *by the Governor in Council on the* 11*th of February* 1803 *(corresponding with the* 5*th Magh Vud, Sumbut or Vekramajit Era,* 1859; *Salbahan,* 1724; *and* 18*th Shaval,* 1217, *Hejry).*

I. BY Section XIX, Regulation I. 1800, an appeal is to lie to the Governor in Council, in the separate department of the Sudder Adawlut, from the decision of the Civil Court at Surat, in all suits, in the manner specified in Regulation VII. 1800, to the extent of four thousand rupees; and by Section VIII, Regulation VII. 1800, if any person shall deem himself aggrieved by the decree of the Judge's Court, in any case where the decree shall

shall be for a sum of money or personal or real property, the amount of which shall entitle the party to appeal under Section XIX, Regulation I. 1800, such person shall be at liberty to make his appeal accordingly from such decision to the Sudder Adawlut; and it having been deemed necessary to lessen the amount on which causes are appealable to the Sudder Adawlut by the aforesaid Section XIX, Regulation I. 1800, the following modification of Section XIX, Regulation I. 1800, and Section VIII, Regulation VII. 1800, as far as regards causes from Surat, has been enacted.

Amount appealable from the decision of the court at Surat lessened from Rs. 4000 to Rs. 1000.

II. An appeal is allowed to the Governor in Council, in the separate department of the Sudder Adawlut, from the decision of the court at Surat, in the manner specified in Regulation VII. 1800, in matters where the sum or value actually in dispute between the parties shall amount to one thousand rupees.

A.D. 1803. REGULATION III.

A REGULATION *for extending the Jurisdiction of the Court established for Salsette, Caranja, &c. to Bancoote and its Dependencies:* PASSED *by the Governor in Council on the 5th of August* 1803 *(corresponding with the 2d Shravan Vud, Sumbut or Vekramajit Era,* 1859; *Salbahan,* 1725; *and* 16*th Rubee ul Akhur,* 1218 *of the Hejry).*

I. BY Section II, Regulation III. 1799, a Judge and Magistrate is established, vested in the former capacity with civil, and in the latter with criminal and police jurisdiction, in and over the islands of Salsette, Caranja, and their dependencies; and it having been deemed expedient by the Governor in Council that this jurisdiction should from henceforth extend to Bancoote, it is enacted as follows:

Jurisdiction of the Judge and Magistrate of Salsette, &c. to extend to Bancoote, &c.

II. That henceforward the civil, criminal, and police jurisdiction which the Judge and Magistrate is invested with over the islands of Salsette, Caranja, and their dependencies, as mentioned in the aforesaid Section II, Regulation III. 1799, shall extend to Bancoote and its dependencies.

A.D. 1803. REGULATION IV.

A REGULATION *for modifying certain Parts of Regulation* X. 1800: PASSED *by the Governor in Council on the* 8*th day of October* 1803 *(corresponding with the* 8*th Assvan Vud, Sumbut or Vekramajit Era,* 1859; *Salbahan,* 1725; *and* 21*st Jummade ul Akhur,* 1218 *Hejry).*

I. BY Section XXXIX, Regulation X. 1800, now in force for the tobacco farm, it is enacted, that all seizures and confiscations, and all fines, forfeitures, and penalties, incurred under the said Regulation, and all matters and things relating thereto, shall be inquired of, sued for, prosecuted,

heard, and determined, in the court of the Judge of Salsette, as Judge of matters concerning the revenues of this Presidency, and that all proceedings of the Collector and Clerk of the market, or either of them, may be removed into the Court of Revenue, by order of the Judge of the said court, on the complaint of either of the parties, or of any person concerned therein; and it having been found expedient to modify certain parts of the above Regulation, mo reespecially in as far as regards the provision in the above-cited clause, with the view of providing the farmer with the means of nearer and more speedy redress in cases of smuggling, and of other deviation from the rules prescribed by the contract, the following further provisions are made and enacted.

Authority of the Revenue Judge transferred to the Superintendent of Police, in what relates to the tobacco farm in the island of Bombay. Who is to exercise it under the directions of the Governor in Council.

II. The judicial authority vested in the Revenue Judge of the island of Bombay, under Sections XIX, XXXIX, and XLIV, Regulation X. 1800, are transferred to the Superintendent of Police; which latter officer is to exercise it in all cases brought before him by the tobacco farmer, under the superintendence, direction, and controul of the Honourable the Governor in Council.

A.D. 1804. REGULATION I.

A REGULATION *for the better Management and Collection of the Revenue of the Arrack Farm:* PASSED *by the Governor in Council of Bombay on the 25th of October* 1804 *(corresponding with the 7th Assvin Vud, Sumbut or Vekramajit Era,* 1860; *Salbahan,* 1726; *and 20th Rujub,* 1219 *Hejry).*

Preamble.

I. WHEREAS the United East-India Company have for a long time past derived and enjoyed a certain revenue from the sale of arrack distilled from mowrah, rice, date, and jaggree, for the use and consumption of the Indian inhabitants of this island, including the tax or consideration paid and payable by the Bhandaries for the license to draw the toddy trees, and distil the product into pariar or country arrack, for the collection and management of which revenue, hitherto usually let to farm, sundry rules and regulations have from time to time been established by authority of the Governor in Council; and it being deemed expedient to continue the practice of farming the said revenue, it is intended to renew the farm for a term of three years from the expiration of the now subsisting grant, which will be on the 1st of November next: and the several dates and orders heretofore prescribed for the management and attention of the said revenue, with the modifications which they are found to require, are now enacted into a Regulation, to be in force throughout this island, and the islands called Coolaba and Old Woman's Island, from the 1st day of November next.

Importation of mowrah into these islands prohibited without license from the farmer in writing, on penalty of forfeiture and confiscation.

II. No mowrah shall be imported or brought into this island, or the islands called Coolaba and Old Woman's Island, or any of the ports, bunders, or landing places of any or either of the said islands, without a license or permit from the farmer of the revenue called the Arrack Farm, in writing under his hand, or the hand of some known agent to him: and all mowrah so imported or brought without such license or permit from the farmer, shall be forfeited by the proprietors or importers thereof, and shall be seized and confiscated to the use of the said Company.

III. Whenever

Vessels coming into the harbour with mowrah on board, to report the same at the custom-house, unless they depart within twenty-four hours.

III. Whenever any vessel or boat, laden wholly or in part with mowrah, and not furnished with such a permit from the farmer as aforesaid, shall enter into this harbour, or the river of Mahim, or into any of the rivers or waters within the precincts of this presidency, and shall come within the anchorages of any of the ports or bunders of these islands, and shall remain within such anchorage longer than twenty-four hours (when not detained by stress of weather), the Tindal, Crany, or other master of every such vessel or boat, or the owners or agents thereof, shall immediately after the expiration of twenty-four hours from such vessel's dropping her anchor, give a manifest, or make a report to the Custom-master of Bombay of the quantity of mowrah laden in such vessel, and whither the same is bound or intended to be carried; in default whereof all the mowrah on board of any such vessel or boat shall be liable to forfeiture as being illicitly imported, and may be seized and confiscated to the use of the said Company.

What particulars the farmer's permits to import mowrah are to specify.

IV. Every permit that shall be granted by the farmer to import mowrah shall specify the quantity of mowrah allowed to be imported, and the time for which it is to be in force, which shall not exceed the space of one year, reckoning from the date of the Collector's countersignature, as hereinafter-mentioned, and shall also express whether the mowrah is intended to be distilled for the sole use of the person to whom granted, and his or her family, or for sale, and where such person dwells; and if for sale, in what part of the island the same is intended to be manufactured into spirits.

The farmer's permits to import mowrah to be allowed by two Justices of the Peace, otherwise to be of no force within the limits of the town.

V. No permit shall be of any force or validity to authorize the manufacture of mowrah into spirits, at any place within the limits of the town of Bombay, or by or for the use of any person dwelling within the said limits, or to authorize the spirituous liquor made of such mowrah to be sold at any place within the said limits, without being first allowed according to law, by two or more of his Majesty's Justices of the Peace having jurisdiction within the said town, by a warrant under their hands and seals, and under such conditions and security as such Justices shall prescribe or require: nor shall any such permit to import mowrah intended to be manufactured into spirits at any place within the limits of the town of Bombay, or by or for the use of any person dwelling within the said limits, or to be sold at any place within the said limits, be registered as hereinafter-mentioned, until after it shall have been allowed by two or more of his Majesty Justices of the Peace, in manner aforesaid.

Permits to import mowrah to be countersigned by the Collector,

VI. Every permit that shall be granted by the farmer to import mowrah shall be countersigned by the Collector of the rents and revenues of the said Company for the island of Bombay, for the time being, who shall mark the day, month, and year when he countersigns it; and no permit granted by the farmer shall be of any force or validity, till it is so countersigned by the Collector: but the Collector shall not countersign any such permit that does not contain the specifications mentioned in the third article, nor any such permit requiring the allowance of the Justices of the Peace according to the fourth article, which has not been duly allowed by a warrant of two or more Justices of the Peace, as aforesaid.

And a register to be kept thereof, and a copy of the register to remain with the Custom-master.

VII. A register shall be kept by the Collector of the rents and revenues of Bombay, of all the licenses or permits that shall be given by the farmer to import mowrah, which register shall contain the date of the Collector's countersignature, the name and place of abode of the person to whom granted; the quantity of mowrah permitted, the time for which each permit is to be in force respectively, whether it is to be distilled for private use or for sale, and whether within or without the limits of the town. A copy of the register shall be made and certified under the hand of the Collector, who shall send the same to the Custom-master of Bombay and Mahim; and it shall be the duty of the Collector at Bombay to give information to the Custom-master, from time to time, of all additions made to his register, so that their copies may be kept at all times perfect.

No mowrah to be entered at either of the custom-houses without permits from the farmer.

VIII. No mowrah shall be entered for importation in the books of the custom-house, either at Bombay or Mahim, without a permit from the farmer previously registered; except what shall be imported for his own consumption, which, to authorize the entry of it, shall likewise require, from time to time, a permit under the hand of the farmer, or some known agent of his, specifying the quantity to be entered, and the name of the vessel, and that it is imported upon his own account.

Duty of customs to Government on mowrah.

IX. On all mowrah so entered there shall be paid a duty on importation, at the rate of three and a half per cent. upon the true cost thereof, with the regulated advance thereon; which duty shall be paid by the farmer, and the respective licensed importers thereof.

Forfeiture of all mowrah illicitly imported.

X. All mowrah which shall be imported or brought into this island, or within any of the ports, bunders, or landing places thereof, contrary to, or not being licensed by the tenor of some such permit from the farmer, shall be forfeited and confiscated to the use of the said Company.

Regulations for the Custom-master and Collector.

XI. It shall be the duty of the Custom-master, his officers and assistants, and also of the Collector of Bombay, his officers and assistants, to stop and seize, in the name and to the use of the Company, all unlicensed mowrah which shall be so imported or brought into this island, or within any of the ports, bunders, or landing places thereof, or that shall be subject to forfeiture for being found on board of any vessel or boat loitering or hovering within the anchorages of any of the said ports or bunders.

Power given them to search houses, &c.

XII. Upon any information being made upon oath by the farmer of this revenue, or any of his agents or servants, or any other person or persons whatsoever, before the Governor in Council, or any one or more of his Majesty's Justices of the Peace having jurisdiction, showing reasonable ground to suspect there being any unlicensed mowrah concealed in any house, shop, warehouse, workhouse, or other place in this island, or the islands called Coolaba and Old Woman's Island, or either of them, and such information being certified by the Secretary of Government in the name of the Governor in Council, or by such Justice or Justices, under his or their hands, the Custom-masters and Collectors, and their respective officers and assistants, are authorized and required, upon production of the certificate of any such information, to enter into any such houses, shops, warehouses, workhouses, or other places upon the island, mentioned in such information, in the day-time,

time (and in the night-time in presence of a constable), and to search for concealed mowrah, and to seize, in the name and to the use of the Company, all mowrah that shall be found, not licensed or permitted as aforesaid.

Searches and seizures to be reported to Government.

XIII. The Custom-master and Collector, respectively, shall forthwith make a true report in writing to the Governor in Council, of every such seizure made by them or any of their officers or assistants, with all the circumstances thereof; and order shall be made thereon by the Governor in Council from time to time. If the mowrah so seized shall be condemned as forfeited it shall be delivered to the farmer, who shall pay to and for the use of the Company the full value thereof, reckoned at the rate which the mowrah purchased and imported for his own use shall have cost, upon an average of the same season, and inclusive of the duty on importation; subject, however, to such an abatement as shall be reasonable, in case the commodity is any ways damaged in its quality or condition.

How the mowrah seized shall be disposed of.

Duty to the farmer for permits to import and distil mowrah for private use.

XIV. For every license or permit granted by the farmer to import mowrah to be distilled for the use and consumption of the importer and his or her family, or to distil mowrah arrack (when the materials are purchased from the farmer) for the use and consumption of the distiller and his or her family, there shall be paid to the farmer a duty at the rate of one hundred per cent. on the value of the quantity for which the permit is given, reckoning it at an average of the prices which the mowrah imported by the farmer for his own consumption, during the same season, is rated in the custom-house books, for the payment of the import duty with that duty included.

None to distil any sort of arrack, &c. but those licensed or employed by the farmer.

Penalty.

XV. No person or persons, except such as shall be employed or licensed for the purpose by the farmer of this revenue, shall or may distil or make, within this island, or in the islands called Coolaba and Old Woman's Islands, either for private use or for sale, any sort of arrack or spirituous liquor, or strong waters made of rice, date, jaggree, or mowrah, or of any mixture of those ingredients with toddy, nor any pariar or toddy arrack, fool or neep, nor any other country distilled liquor, single, double, or treble, upon pain of forfeiture of all such arrack and other distilled liquor as shall be made contrary to this Regulation, with the casks and other vessels containing the same, and all the materials, stills, vessels, and other implements, used in the distillation and manufactory thereof.

None to import country spirits or spirituous liquor but those licensed or employed by the farmer.

Except persons contracting with the Company.

Penalty.

XVI. No person or persons, except those who shall be employed or licensed by the farmer, and except such person or persons who shall or may be from time to time engaged in any contract with the Company for providing or supplying arrack for the service of the said Company, shall or may import or bring into this island, or the islands called Coolaba and Old Woman's Island, any spirits or spirituous liquor or strong waters, made in any of the neighbouring islands, or on the adjacent continent, or imported from Surat or elswhere, upon pain of forfeiture thereof, with the casks and other vessels in which the same shall be found.

Restrictions on the importation of Goa arrack, &c.

XVII. No Goa arrack, Cadjoo arrack, fenny, fitchad, nor any other kind of spirits or spirituous liquors, usually imported from Goa, wherever the same may be manufactured, shall be imported in any casks or vessels less than a hogshead of thirty-five gallons, except aqua-ardent, and such

like strong waters, which may be imported in kegs or cases containing not less than four gallons and a half; nor shall any spirituous liquor or strong waters so imported be entered or landed without a warrant from the farmer, except it be imported by or for account of any such contractor with the Company as aforesaid, or by or for account of such person or persons as are or shall be from time to time licensed by the Governor in Council, or his Majesty's Justices of the Peace, to keep taverns or public houses for the retailing of liquors to the soldiers and sailors, and other European inhabitants of this island.

None to sell spirits for the consumption of the Indian inhabitants but those licensed or employed by the farmer.
Penalty.

XVIII. No person or persons, except those who shall be employed or licensed by the farmer, shall or may sell, to or for the consumption of the Indian inhabitants of this island, Coolaba and Old Woman's Island, any sort of spirits or spirituous liquor, made either on this island or in any of the neighbouring islands and continent, nor any Goa arrack, Cadjoo arrack, fenny, fitchad, aqua-ardent, nor any other kind of spirituous liquor usually allowed to be imported from Goa, or which is made or distilled in any other part of the peninsula of India, upon pain of forfeiture, as aforesaid.

None to retail sweet toddy or toddy vinegar to the Indian inhabitants but those licensed or employed by the farmer.

Penalty.

XIX. No person or persons, except those who shall be employed or licensed by the farmer, shall vend by retail, to or for the consumption of the Indian inhabitants, any sweet toddy, or the fermented liquor of the cocoa-nut tree, the brab tree, or the date tree, nor any vinegar made thereof, upon pain of forfeiture of all such toddy and vinegar as shall be exposed or offered to sale without a license from the farmer.

Licenses for arrack shops, and toddy shops to be countersigned by the Collector, and a register thereof kept, and a copy of the register to remain in the office of the Clerk of the Market.

XX. No shop, warehouse, or other place shall be kept or used for selling arrack, or other spirituous liquor or strong waters, or for retailing sweet toddy to the Indian inhabitants in this island, Coolaba and Old Woman's Island, but such as shall be licensed by the farmer in writing, specifying the situation of the shop, warehouse, or place there licensed, and the name of the party taking the same out; and every such license shall be countersigned by the Collector of Bombay, who shall keep a register of all the licenses for arrack and toddy shops which he shall so countersign, and a copy of the same register shall be kept in the office of the Clerk of the Market; and no person shall presume to vend or deal in country spirits or spirituous liquors, or to retail sweet toddy to the Indian inhabitants, without first producing his or her license from the farmer to the Collector, nor to vend, retail, or deal in such spirits or toddy, otherwise than by such license is permitted.

Licenses for shops to be allowed by two Justices of the Peace, otherwise to be of no force within the limits of the town.

XXI. No license from the farmer to distil or make arrack or spirituous liquor of rice, date, jaggree, or mowrah, or to sell the same or to retail sweet toddy to the Indian inhabitants, shall be of any force or validity to authorize any person or persons to distil or make such spirits, or to keep shops for the sale thereof, or to vend, retail, or deal in any spirituous liquor or sweet toddy, within the limits of the town of Bombay, without being first allowed by two or more of his Majesty's Justices of the Peace, having jurisdiction within the said town, by a warrant under their hands, and under such conditions, and upon such security as the Justices shall prescribe or require: and if the farmer shall sell, or cause or permit to be sold any spirituous liquors, at any other shops or places within the said limits, or in any other manner

manner than as shall or may be allowed by such Justice or Justices, by warrant as aforesaid, he shall be amenable to such penalties as are ordained by law against unlicensed traders in spirituous liquors.

Seizures of spirits and materials in unlicensed distilleries and sweet toddy offered to sale without license, and searches for concealed distilleries.

XXII. It shall be the duty of the Collectors of Bombay and his officers and assistants to seize, in the name and to the use of the Company, all spirits and spirituous liquor that shall be exposed or offered by any person for sale to the Indian inhabitants, or shall be distilled or made by any person or persons not licensed by the farmer, and all materials for the extraction or making of spirits, and all stills, vessels, and other implements of distillery, that shall be found in the possession of any unlicensed distillers of any of the aforesaid kind of arrack or spirit, and likewise all sweet toddy and toddy vinegar that shall be exposed or offered for sale by unlicensed retailers of those articles: and upon an information being made, on oath, by the farmer of this revenue, or any of his agents or servants, or any other person or persons, before the Governor in Council, or any one or more of his Majesty's Justices of the Peace having jurisdiction, showing upon reasonable grounds of suspicion where any wash or materials for the extraction of spirits, or any stills or other implements of distillery are concealed, and such information being certified by the Secretary of the Council, or by such Justice or Justices, under his or their hands, the Collectors and their respective officers and assistants are authorized and required, upon production of the certificate of any such information, to enter into any such houses, shops, warehouses, or other places, and search for concealed materials and implements of distillery, and seize, in the name and to the use of the Company, all such materials and implements as shall be found, not being licensed as aforesaid.

Obstruction of officers.

XXIII. All persons who shall resist or obstruct the search of any of the officers, either of the custom-house or of the Collector, shall be prosecuted with the utmost rigour of the law.

Unlicensed spirits, &c. when seized how to be disposed of.

XXIV. All unlicensed spirit and spirituous liquor, sweet toddy, and toddy vinegar, materials and implements of distillery, that shall be seized and condemned, shall be delivered to the farmer, who shall pay the value thereof to the Company at a fair appraisement.

A moiety of the forfeiture to be paid to the informer.

XXV. The Governor in Council, in every case of a seizure regularly made of any unlicensed spirits or spirituous liquor, mowrah, or other materials for the extraction and making of spirits, or any sweet toddy or toddy vinegar, irregularly exposed or dealt in by retail, shall cause a moiety of the value to be paid, as a reward to the person or persons informing of the same, other than the farmer or any person for his use.

Limited retail price of mowrah arrack.

XXVI. In all the shops and other places of sale, whether kept by the farmer's servants and agents or by retailers licensed by him, the single distilled arrack made of mowrah, rice, date, or jaggree, shall be sold at one quarter of a rupee per seer, full measure, and without any mixture, and the double distilled at one-third more; and neither the farmer nor any shop-keepers or retailers shall take or demand any higher prices than as herein prescribed, or in proportion thereto, for spirits of greater strength.

XXVII. The

Price of parriar arrack.

XXVII. The single distilled parriar or toddy arrack shall be sold at twelve single pice and an half per seer, and no more; and the double distilled, or fool, at twenty single pice.

Duty on sweet toddy.

XXVIII. For every license from the farmer to retail sweet toddy there shall be paid one single pice and a quarter (or five reas) per banda of two seers on the quantity licensed to be sold in each day, and for vinegar one pice and an half (or six reas) per banda; but the licensed retailer shall be at liberty, if he prefers it, to deliver to the farmer every day one banda of toddy or vinegar for every four bandas contained in his license, and the farmer shall be obliged to receive such composition in kind from day to day, in discharge of his claim to the pecuniary duty. But if the composition toddy or vinegar for each day be not delivered or tendered during the day (unless it be by the fault of the farmer, his agents or servants), the farmer shall be entitled to the pecuniary duty; and in case the same shall not be paid on the next day, the farmer may on the third day revoke his license to such retailer of sweet toddy or vinegar, by applying to the Collector to cancel the same in the registry, and the Collector shall thereupon summon the retailer before him, and upon his default being confessed or proved to the satisfaction of the Collector, he shall erase the registry of the license in the presence of the defaulting retailer if he appears, noting the day of the erasement and his appearance, or otherwise noting the day he was summoned and his failure to appear.

Composition for the same in kind allowed under certain restrictions.

Regulation for wholesale dealing in Goa arrack and foreign spirits.

XXIX. Whereas spirits and spirituous liquors and strong waters, made in any part of the peninsula of India other than the adjacent continent, and imported from Goa or elsewhere, other than the neighbouring islands, the adjacent continent, and Surat, are not prohibited to be sold to the Indian inhabitants of this island by wholesale, therefore it is to be observed, that such spirits or spirituous liquors, except aqua-ardent and such like strong waters, are not to be sold to the Indian inhabitants in any lesser quantity, at one time, than one hogshead, containing at the least four maunds or thirty-five gallons, and aqua-ardent not less than one keg or case at one time, containing at the least half a maund or four gallons and a half; and there shall be paid to the farmer (besides the duties on importation to the Company) on the sale thereof to any Indian inhabitants, a duty of four rupees on each hogshead of fitchad, and of twenty-five per cent. on the value, as rated at the custom-house, of every other sort of spirits, spirituous liquor and strong waters, so imported and sold to Indian inhabitants.

Duties to the farmer thereon.

Contractors with the Company for spirits.

XXX. The permit for the importation of any arrack or spirituous liquor, on account of any person or persons being under any contract to furnish such arrack or spirits for the use of the Honourable Company, shall be countersigned by the warehouse-keeper, to authorize the entry thereof at the custom-house.

Licensed European tavern-keepers.

XXXI. The permit for the importation of any spirits or spirituous liquor from Goa, or elsewhere within the peninsula of India, for the use or account of any person or persons who are or shall be licensed to keep taverns or public houses, for the retailing or vending of liquors to the soldiers, sailors,

and

and other European inhabitants of this island, shall be countersigned by a Justice of the Peace, or by the Collector of the rents and revenues, to authorize the entry thereof at the custom-house.

European spirits, Batavia arrack, &c.

XXXII. That no European spirits, Batavia arrack, Ceylon arrack, or Bengal rum, shall be sold by the importers to any Indian inhabitants, other than in the course of wholesale commerce; neither shall European spirits, Batavia arrack, Ceylon arrack, or Bengal rum, pay any duties to the farmer, or be subject to any of the preceding Regulations.

The farmer not to deal in European spirits, &c.

XXXIII. The farmer shall not sell, nor permit to be sold by any persons in his employ, any European spirits, Batavia or Ceylon arrack, or Bengal rum, under the penalty of forfeiting the same and treble the value thereof, by stipulation with the Company, besides incurring the legal penalties of the offence of unlicensed trading in spirituous liquors.

Penalty.

Not to sell spirits to the European soldiers and sailors.

XXXIV. That if the farmer, or any person or persons in his employ, or having his license, shall sell any spirits, spirituous liquor or strong waters, to any European soldiers or sailors within or without the town of Bombay, he or they shall, unless allowed by the Justices, incur the offence of unlicensed traders in spirits.

Penalty.

Regulation of the price of sweet toddy, if sold to Europeans.

XXXV. If the farmer, and any persons employed or licensed by him, shall be allowed by the Justices to sell sweet toddy to the soldiers and sailors, and other European inhabitants within the town walls, he or they shall not take or demand for the same more than seven pice and an half per banda of two seers.

Remedy on complaints against the farmer, his agents, or servants.

XXXVI. When there shall be any cause of complaint against the farmer or any of his agents or servants, or any person by him licensed to vend or retail spirituous liquor or sweet toddy, for imposition on any of the inhabitants, either in the measure or quality of the arrack or other liquor offered for sale, he or they shall be amenable for the offence to the Clerk of the Market, as well as to any Justice of the Peace having jurisdiction, and shall forthwith (if complained of without delay) carry and produce the liquor or measure complained of to the Clerk of the Market for his examination, who shall hear the complaint, and the party offending shall be liable to forfeit his license or employment by order of the Clerk of the Market, but may appeal therefrom to the Governor in Council, to whom the Clerk of the Market shall make a report of the case in writing.

Peons allowed to the farmer.

XXXVII. The farmer shall be allowed twelve Peons in the pay of the Company (one of them as Havildar) to assist him in the business of the farm, and the farmer shall furnish these Peons with distinctive badges, inscribed "*Arrack Farmer.*"

The farm may be resumed in certain cases.

XXXVIII. That power shall be reserved to the said Company to resume this revenue from the hands of any farmer, and to determine the subsisting farm and re-let the same at any time when the farmer shall fail to make due payment of the rent and other monies payable to the said Company in respect thereof, or when he shall be proceeding contrary to any of the foregoing rules, orders, and regulations, the exercise of which power shall be from time to time in the discretion of the Governor in Council, who shall

give thirty days' notice previous to resuming the farm, in case of non-payment of the rent, but may determine it without notice, if the farmer shall be in fault in any other respect.

In cases of resumption the farmer to pay the Company stipulated damages.

XXXIX. The farmer shall come under a penalty of fifty thousand rupees (50,000) to be paid to the said Company (over and above all other forfeitures and penalties which he may incur) for their damages, and cover any loss or detriment they may incur, in case he shall subject the Governor in Council to the necessity of resuming the farm at any time before the full expiration of the term for which it is granted, by any failure in the payment of the rent and other dues to the Company, or by any breach or contravention of the foregoing rules, orders, and regulations: and it is hereby declared, that if any difference should arise between the farmer and Government respecting this lease, which cannot be amicably adjusted, either party may institute a suit against the other in the Revenue Court for Bombay, and prosecute the same to issue, according to the regulations for the administrations of justice in the country courts, and not otherwise.

Any differences between the farmer and Government which cannot be amicably adjusted to be determined in the Revenue Court for Bombay, and not otherwise.

The farmer to give security to the Company by bond with two sureties.

XL. The farmer shall give security to the Company for the payment of the rents and other dues, and the performance of all other the conditions and agreements of the farm, by a bond of himself with two substantial sureties, jointly and severally, in a sum equivalent to one year's rent.

A. D. 1805. REGULATION I.

A REGULATION *for amending Regulation* VI. 1799, *and adding additional Rules for the Collection of the Bombay Customs:* PASSED *by the Honourable the Governor of Bombay, on the* 14*th May* 1805 *(answering to the* 1*st of Vysaek Vud,* 1861 *Sumbut, and* 14*th of Suffer,* 1220 *Hejry).*

I. REGULATION VI. 1799 being found to require amendment, and it becoming, moreover, necessary to add such further rules as experience has shewn that Regulation not to comprehend adequate provisions for, the following additional sections are, for these purposes, accordingly enacted.

Custom-house to be open every week-day for the transaction of business.

II. The Bombay custom-house is to be open for the transaction of business every day, Sunday excepted, as specified in Clause third, Section II, Regulation VI. 1799.

In what cases deposits are to be taken for the amount of the duties.

III. When the forms prescribed in Sections III. and IV, Regulation VI. 1799, shall have been observed, the Custom-master will, instead of following the rule indicated in Section V. of that Regulation, take a deposit equal to the amount of the bill for customs on the whole cargo, and then permit the goods to be landed and passed: but the Custom-master is held personally responsible, that as soon as the cargo is landed the bill shall be adjusted and brought to account; and when deposits are made in Company's current paper, the interest thereon will cease from the date of such deposit.

Time allowed for the production of certificates.

IV. In cases where certificates may not accompany goods imported, as specified in Clause sixth, Section VIII, Regulation VI. 1799, the Custom-master

master is authorized, on the party or parties making a deposit equal to the duties, to allow a certain period for the production of the certificates, *viz.* From Surat, Broach, Gogo, and Dolluah (on the event of the three latter places, or either of them, being hereafter declared to be assimilated, in point of certificate privileges, to Surat), three weeks; Malabar six weeks, and from Madras and Bengal two months; after which period, if the certificates be not produced, the deposit is to be brought to account, and the merchant furnished with the bill. A regular register to be kept for this purpose, under one of the assistants of the Custom-master.

Prohibition to the importation of slaves.

V. The importation and exportation of slaves, for the purposes of traffic, at the port of Bombay, and at the other ports subject to the immediate authority of this presidency, stand prohibited; under which prohibition the duty on slaves, specified in Clause eleventh, Section VIII, Regulation VI. 1799, has been abolished; it not being, however, the intention of Government, by this order, to authorize any interference with the established usages and customs with regard to domestic slavery, as it prevails thoughout India, among those of the Mahomedan and Hindoo religious persuasions.

Explanation of the term Macao ships.

VI. In reference to Clause seventeenth, Section VIII, Regulation VI. 1799, it is to be understood, that, by "Macao ships" are meant "ships "importing cargoes embarked at Macao"; the duties on the cargoes of which are to be levied as specified in that clause.

Rescinded

Duty on Batavia arrack.

VII. Arrack imported from Batavia, as specified in Clause twenty-first, Section VIII, Regulation VI. 1799, is to be subject to the duty specified in that clause, besides the town duty.

Repeal of part of a former rule respecting the clearance of ships.

VIII. Clause second, Section XXVI, Regulation VI. 1799, is rescinded, its object being otherwise provided for in Regulation II. 1799.

Rules respecting opium.

IX. *First.* Opium not permitted to be exported to China.

Second. None but Bengal opium permitted to be imported or exported, on pain of forfeiture of the opium and a fine of treble its value.

Additional duty of one per cent.

X. An additional duty of one per cent. to be levied on all goods imported, under the same rules and regulations as established by Regulation VI. 1799, for the collection of the two and a half per cent. customs.

Advance chargeable on goods imported from Europe by the Gulphs of Persia or Arabia.

XI. *First.* Goods imported from Europe by the Gulph of Persia or the Red Sea, on all vessels, whether foreign, British, or appertaining to any native power, to be charged with an advance of sixty per cent. and duties levied on the aggregate.

From the Cape of Good Hope.

Second. On goods imported from the Cape of Good Hope, an advance of thirty per cent. to be added, and duties charged on the aggregate.

On Europe imports from Goa; and on country goods from the same place.

Third. On goods imported by boats or ships from Goa, known to be the produce of Europe, an advance of sixty per cent. to be charged; while goods the produce of that country are to come under the description of goods from Malabar without the province.

From the interior parts of India.

Fourth. Goods imported, the produce of Moultan, Cashmire, Berhaen-poor, and all other inland countries, to pay the established duties on the market-price of those goods at the time of entry.

Temporary exemption from duties on imports of timber and wood.

XII. As an encouragement to ship-building on this island, and as an accommodation to the community under the great demand for timber arising from

from the effects of the fire in February 1803, timber and plank, and all wood used in house-building, may be imported free of all duties for the ensuing four years, or up to the end of April 1809.

Provision against the sale of goods in the harbour, without being previously manifested and landed.

XIII. Many inconveniences having arisen, and frauds been practised, in consequence of the pernicious practice of commanders, officers and others selling their whole, or part of their adventures, to the petty traders frequenting the ships in the harbour, such practice is hereby strictly prohibited; and any goods which shall hereafter be landed, thus disposed of, without previous manifest, entry and payment of duty, shall be confiscated without further reference.

A copy of this section to accompany the requisition for the manifest.

All bills for customs to be settled and paid at the custom-house.

XIV. *First.* All bills for duties to be settled and paid at the custom-house; and any officer, person, or persons, employed in the custom-house office, who shall, in future, be found to take any papers from the custom-house to the office of any merchant or person whomsoever, to settle, alter, or correct, or for any other reason, shall immediately be dismissed from his situation, and rendered incapable of future employment.

Business at the custom-house to be transacted by principals or empowered agents.

Second. When principals do not personally attend to transact their own business at the custom-house, they are to do so through accredited agents; a rule which is to be understood to refer more especially to houses of agency and all mercantile firms, as well as to other houses of business generally, which are in the habit of frequent intercourse with this department.

Goods imported for the private use of individuals to be subject to duties.

XV. Government have resolved not to grant any further remission of the established duties on goods (imported for the private use of individuals) subject to the same: none but trunks of clothes and small boxes of trifling necessaries will, in future, be permitted to pass without paying the usual duties, at the discretion of the Custom-master, and all packages of every description are declared subject to inspection.

Commanders of the Company's cruizers, when to deliver manifests.

XVI. Commanders of the Honourable Company's cruizers, on their coming into port and bringing any freight goods or treasure, are to deliver in a manifest of the whole thereof, in the form prescribed in Section III, Clause third, Regulation VI. 1799.

All imports of treasure or pearls and the like to be opened and registered at the custom-house.

XVII. No treasure, bullion, or pearls, of any description, to be permitted to be imported or exported, but upon manifests by the importer or exporter; and all treasure, bullion, pearls, and jewels, as above imported, to be opened and examined at the custom-house, in order to enable the Custom-master to send in correct returns of the same, agreeably to the orders of Government.

Rules for public officers, embarking or disembarking goods, appertaining to their departments.

XVIII. To guard as much as possible against the evils resulting from the uncontrouled embarking and disembarking of his Majesty's and the Honourable Company's military and marine stores, and the goods under charge of the warehouse-keeper, as hitherto in use, it is judged expedient that the King's Naval Officer, the Warehouse-keeper, Marine Storekeeper, and Commissaries of every description, shall, previously to embarking or disembarking articles under their respective departments, prepare a regular permit for the signature of the Custom-master, whose duty it will be to guard against such permits being exceeded.

XIX. *First.*

XIX. *First.* No certificates to be granted on goods exported, until it be satisfactorily vouched that such goods had been previously imported, either under certificate, or that they have paid the established duties. Caution enjoined in respect to certificates on exports;

Second. To guard against the abuses incident to the entry of goods on plea of their being a re-importation, it is hereby provided, that goods of this description shall be exempt from duty under the following circumstances, and not otherwise. If returned within six months from any port or place, without the jurisdiction of the Honourable Company, and that the importers shall afford proof or indication satisfactory to the Custom-master (which proof or indication he is to make a separate record of) of such goods having paid duty, or had the exemption by certificate on their former import; or if so re-imported within one year from any port or place within the jurisdiction of the Honourable Company, on such goods being accompanied by a certificate from the proper officer of such port or place, of their having, to the best of his knowledge and belief, been once already imported into Bombay; notwithstanding which such goods shall be liable to confiscation, on the detection of fraud in the importer. and relative to goods entered as a re-importation.

XX. No person belonging to the custom-house is to be permitted to take, under pretence of buying or otherwise, any goods whatever from any merchant in the custom-house, at the time of passing the goods; the existing system for the examination and inspection of such goods remaining in force. No goods to be purchased or received by the officers of the customs, at the time of such goods passing examination at the custom-house.

XXI. Dows, dingeys, botellas, and all other descriptions of small craft frequenting this harbour, shall, in future, prepare a regular account of their export cargo; and until this account shall be delivered, a clearance shall be withheld. In the event of any such vessels leaving the harbour without a clearance, the Custom-master will report them to Government, stating who are the agent or agents for the same, and awaiting instructions thereon. Country small craft to deliver on regular accounts of their exports.

XXII. *First.* The following is the form invariably to be observed in applications for the exportation of goods. Form of the application for the export of goods.

" OUTWARDS.

" Ship or Boat A. Commander or Tindal B.

" To .....

" 100 chests of sugar, weighing ....., value rupees .....

" 10 bales of Bengal piece goods, ... corge

" 25 bars of iron, candy .....

" To the Bombay Custom-master:

" Please pass as above."

" N....."

XXIII. No spirits of any kind permitted to be exported to Botany Bay. No spirits to be exported to Botany Bay.

XXIV. Bombay salt is not permitted to be exported to Calcutta, but on ships belonging to the Honourable Company, or on ships taken up by Government originally for other services, the freight of which might otherwise become a loss to the Company. Rules affecting the export of salt to Calcutta.

XXV. The Custom-house Regulations to be translated and printed in the Mahratta and Guzerattee languages, and to lie open for public inspection. Regulations to be printed and translated.

A. D. 1805. REGULATION II.

A REGULATION *for the Introduction of a permanent Judicial and Revenue System into the Territories acquired by the East-India Company, within certain Parts of the Soubah or Province of Guzerat, and for abolishing the Court of Session at Surat:* PASSED *by the Governor in Council on the 14th of May* 1805 *(corresponding with the 1st of Visack Vud, Sumbut or Vekramajit Era,* 1861; *Salbahàn,* 1727; *and 14th of Suffer,* 1220 *Hejry).*

I. BY the treaty of Bassein, concluded on the 31st of December 1802, and by the conquest of the fort of Broach on the 29th of August 1803, and the subsequent cession of that place, with its pergunnah or district, under the treaty of Soorje Anjengaum, bearing date the 30th of December 1803, sundry territories in the Attaveesy, and contiguous parts of the soubah or province of Guzerat, have devolved in full sovereignty to the East-India Company; at the same time that, in pursuance of the engagements with the state of the Guicowar, alluded to in the preamble to Regulation I. 1800, several pergunnahs to the northward of the river Myhee have been, in like manner, ceded by that Government; such of these territories as are situated within the Attaveesy were on their cession placed under Surat, and rendered subordinate to the courts of justice and collectorship for that division, but with intention to transfer, from the end of June next, that part of them lying between the rivers Kim and Nerbudda to the zillah or local jurisdiction of Broach, which town and pergunnah, together with the cessions from the Guicowar to the northward of the Myhee, and those from the Paishwa under the treaty of Bassein, that are situated on the west side of the Gulph of Cambay, remained (the former during the first year and a half, and the two latter divisions for the first two years) in charge of the resident at Beroda, with European assistants and native officers, who during that period administered the police and justice of the country in ordinary cases (none of great magnitude or of a capital nature being decided) according to the local usages and the principles of equity. Meanwhile information was collected and preliminary steps pursued, with a view to the seasonable introduction, under the sanction of the Government-General, of permament courts of justice, with a court of local appellate jurisdiction and of circuit, according to the system established in Bengal and its immediate dependencies, for which several purposes the following establishments have been made.

Appointment of a Judge and Magistrate and Collector for the zillah of Broach.

II. *First.* On the 26th of January 1805, it was determined that the interior administration and government of the town and pergunnah of Broach and their dependencies should be transferred from the resident at Beroda, and entrusted to a Judge and Magistrate and to a Collector, both being civil servants of the East-India Company.

Oaths taken by them; and rules for their guidance.

Secondly. The Judge and Magistrate and Collector took and subscribed, previously to entering on their offices, the oaths prescribed in Section III, Regulation I, and in Section II, Regulation III. 1800, for the Judge and Magistrate, and by Section XXVI, Regulation XIII. 1802, for the Collector; the said officers being required to be severally guided by those and the other regulations for their respective departments, as far as the same are already

already framed, printed, and published, for the zillah or local jurisdiction, and for the collectorship of Surat, until others may be passed for their respective direction, in the manner prescribed by Regulation I. 1799.

III. *First.* On the 7th of May 1805, a provincial Court of Appeal in civil cases, and of Circuit, for the trial of criminal offences, consisting of three Judges with a Register, was instituted for the division of Broach, with jurisdiction co-extensive with that of the Court of Session for the zillah or local jurisdiction of Surat (which Court of Session was thereupon abolished), and generally comprehensive, also, of the several territorial acquisitions referred to in the preamble to this Regulation.

Provincial Court of Appeal and of Circuit for the division of Broach.

Secondly. The members of this court took on the 10th of May, and subscribed the following oath:

Oath taken by the Judges.

" I, A. B., appointed a Judge of the provincial Court of Appeal and of " Circuit for the division of Broach, solemnly swear, that I will administer " justice conformably to the Regulations that have been or may be passed " by the Governor in Council, according to the best of my ability, know- " ledge, and judgment, without fear, favour, promise, or hope of reward; " that I will not receive directly or indirectly any present or nuzzer, either " in money or effects of any kind, from any party or person whomsoever, on " account of any suit to be instituted, or which may be depending or have " been decided, in the Court of Appeal and of Circuit of which I am ap- " pointed a Judge; that I will not knowingly permit any person or persons " under my authority, or in my immediate service, to receive, directly or " indirectly, any present or nuzzer in money or effects of any kind, from any " party or person whomsoever, on account of any suit to be instituted, or " which may be depending or have been decided in the court; that I will " render a true and faithful account of all sums of money that may be paid " into the court or disbursed from it; that I will not be concerned, directly " or indirectly, in the purchase of goods or commodities in the British domi- " nions on this side of India, for the purpose of remitting money to Europe, " or in commercial transactions in any part of India: and that I will not " derive, directly or indirectly, any emoluments or advantages from my " station, excepting such as the orders of Government do or may authorize " me to receive: So help me God."

Thirdly. As the trial of the prisoners at the quarterly session for Surat, and thereafter the like delivery of the jail at Broach, would, as a Court of Circuit, require the earliest attention of the Judges, they were, in the discharge of these functions, required to be guided by the prescriptions in Regulation III. 1800, and by the other Regulations for the zillah or local jurisdiction of Surat, which have been framed, printed, and published in the manner directed by Regulation I. 1799.

Rules for the immediate guidance of the Court of Circuit.

IV. The tribunal of the Governor in Council is to possess and exercise the same power, authority, and jurisdiction, in respect to the trials by the Court of Circuit for the division of Broach, as stand already described in Regulation III. 1800, in respect to trials by the Court of Session therein mentioned, and as farther vested in the said tribunal by Regulation III. 1802.

Jurisdiction of the Governor in Council in cases cognizable by the provincial Court of Circuit for the division of Broach.

V. On

Appointment of a Judge and Magistrate and Collector for the zillah and collectorship of Kaira.

V. On the 14th of May, a Judge and Magistrate and Collector were, under the like instructions, and the sanction of the same oaths of office, as specified in Section II, in respect to the zillah and collectorship of Broach, appointed for the zillah and collectorship of Kaira, the jurisdiction of which is to be applicable to the Ceded Districts to the north of the Myhee and westward of the Gulph of Cambay.

A.D. 1806. REGULATION I.

A REGULATION *for removing Doubts relative to the Effect of certain Clauses of the Judicial Regulations for the Bombay Custom-House:* PASSED *by the Governor in Council on the 29th day of April* 1806 *(corresponding with the 12th Visack Sood, Sumbut or Vekramajit Era,* 1862; *Salbahan,* 1728; *and 9th Suffer,* 1221 *Hejry).*

Preamble.

I. WHEREAS doubts have arisen as to the construction which ought to be put upon Section IX, Regulation III, and Section XXII, Regulation VI, 1799, in as far as regards the taking cognizance, in the first instance, of complaints against the Custom-master, in the execution of that part of his duty which relates to the forfeiture of goods attempted to be smuggled or passed contrary to the rules of that department, and it being desirable that such doubts should be removed, the following explanatory enactment has, for this purpose, been made.

Persons deeming themselves aggrieved by the orders of the Custom-master to apply in the first instance to the Adawlut of Salsette.

II. That henceforth all persons deeming themselves aggrieved by the stopping of their goods, or other order by the Custom-master, are to make application, in the first instance, to the Court of Adawlut for Salsette, Bombay, &c. which tribunal is declared to be vested with jurisdiction over that officer, and which possesses full power and authority to decide upon all such complaints, with an ultimate appeal to the superior tribunal of the Governor in Council, in all cases that from their amount are appealable.

A.D. 1807. REGULATION I.

A REGULATION *for reducing the Number of the Judges required to be present at the periodical Discharge of the Jails:* PASSED *by the Governor in Council on the 27th of January* 1807 *(corresponding with the 4th of Posvud,* 1863 *Sumbut; Salbahan,* 1728; *and with the 17th of Zilkad,* 1221 *Hejry).*

I. IT having been found inconvenient to the regular and expeditious discharge of the functions of the Court of Appeal and Circuit established under Regulation II. 1805, that three Judges should be required to be present at the sessions held for that purpose, and the members of the said court having thereon made application, in the month of November 1806, to be allowed to undertake

undertake their circuits alternately, by which one of the Judges might be rendered competent, as under the presidencies of Bengal and Madras, to preside at the trials of persons charged with crimes and offences, the following rules have in consequence been passed.

Court of Circuit may be held by one Judge;

II. On the 2d of December 1806 it was determined in Council, that the circuits of the court for the division of Broach might be separately performed by the Judges alternately, rendering it competent for one of them to preside at the periodical discharge of the respective jails within their jurisdiction.

and likewise the Court of Session for Salsette, Caranja, and their dependencies.

III. In consistence with this provision it has this day been farther ordered by the Governor in Council, that one Judge for the Court of Session for Salsette, Caranja, and their dependencies, shall henceforth be competent to preside at and discharge the duty of delivering the jail under that jurisdiction, which Judge is to be the junior Member of Council for the time being.

A. D. 1808. REGULATION I.

A Regulation *for preserving the Record of the principal Rules respecting the Revenue in the Island of Salsette:* Passed *by the Governor in Council on the 24th of February* 1808 *(corresponding with the 13th of Magh Vud, Sumbut or Vekramajit Era,* 1864; *Salbahan,* 1729; *and 26th of Zilhege,* 1222 *Hejry).*

I. Previous to the acquisition of the island of Salsette, in the manner adverted to in the preamble to Regulation III. 1799, it had undergone several revolutions, the effects of which and the consequent means pursued, with a view to the improvement of that territory and the amelioration of the circumstances of its inhabitants, are hereunder noticed.

Conquest by the Portuguese of Sashty or Salsette; and quit-rent paid by them to his most faithful Majesty.

II. *First.* The island of Sashty (corrupted by the Portuguese into Salsette) was conquered by that nation, in the year of Christ 1534, from the Mohammedan prince who was then its sovereign, and thereafter parcelled out among the European subjects of his most faithful Majesty, into village allotments, at a very small foro, or quit-rent; those European proprietors continuing the local usage of levying, under the denomination of *tokah* or *demp,* an ascertained and permanent rent from the native Indians, who cultivated their estates, which were rated with a view to yield to the landlord one-half of the crop.

The proportion of the produce which they levied from the cultivators, as fixed tokah or demp rental.

Distinction in taxation of the batty or rice produce, as consisting of chowka and khara.

Second. This produce consisted, as far as regarded the cultivation of rice grounds, in *chowka,* or white, called also gora, and in *khara* or ratta (*i. e.* salt, or black batty, the term batty, or paddy, meaning rice in the husk), the latter bearing throughout the island a very small proportion to the former.

Third. The crops of the chowka being liable in ordinary years to little or no variation, were subjected for the most part to the above-mentioned fixed

proportion of taxation on a begah* or other given extent of the several sorts of ground; whilst those of the khara, being more fluctuating and precarious, were regulated at that early period by the contingen tardhul, or moiety of the varying annual produce.

Cheeckul or extra cultivation.

III. Another description of payment of rent arose from the produce of the surplus batty or rice plants, for the rearing of which the Portuguese landholder allotted to the cultivator spare grounds called *cheeckul*, and furnished him with the seed, on condition of the latter's rendering, besides the amount of the original quantity of seed, the third, or sometimes only a fourth, or a still less proportion of the produce; which practice is still occasionally continued between private occupants, or by Government supplying from its unoccupied lands space for the rearing of such seed.

Shelowtr or serrotore property, as divided into white and black batty lands.

IV. *First.* There has existed from that time a description of landed property, under the denomination of *shelowtr* (called also serrotore), and consisting of lands said to have been acquired by the natives on favourable terms of tenure, by purchase from their Portuguese masters, which property has been respected throughout the subsequent revolutions.

Second. Another description of shelowtr tenure consists of certain spots of ground gained from the sea by embankment, or brought into cultivation from the jungle or forest, at the personal expense of individuals, who have thence continued to pay thereon, in several instances, a fixed quit-rent without reference to the produce.

Dongur or hill cultivation.

Third. Some of the coarser grains, pulse, and vegetables were raised, to a very limited extent, in a few available spots in the *dongur* or hills, whence this was known under the name of dongur or hill-cultivation.

Flourishing state of the cultivation in the time of the Portuguese.

V. *First.* The Portuguese living thus in the separate management of their own estates, cultivation was comparatively prosperous and abounding, without however attaining in their time to its fullest extent under the ancient native government; when, during the administration of Raja Bimb, in the latter end of the thirteenth century of the Christian æra, it is recorded to have exceeded eleven thousand five hundred morahst of batty, whilst its utmost extent in the time of the Portuguese did not exceed ten thousand and seventy-seven.

Mahataras or mattaras.

Second. The managers of the cultivation under the Portuguese were *Mahataras*, an Indian term importing an experienced senior or old man, and written and pronounced mattara in the present details of the revenue.

Portuguese additions and modifications to the rental.

VI. *First.* The alterations made by these conquerors in the country system of the revenue were inconsiderable and of partial operation, as affecting

* Five hands five fists make one stick of 9-4 feet; or 88-36 feet a square stick. Twenty square sticks make one pond=1767-2 feet. Twenty square ponds make one begah of 35-344 feet square, or square English yards 3926⅞. An acre contains square feet 43,560, or square yards 4840: therefore a begah is to an acre as 85 to 100 nearly.

† There are some indications that the morah or moora was formerly limited in the receipt of the revenue to twenty-four paras (called also feras) in some parts at least of Salsette, although now it is divided into and every where amounts to twenty-five; a parah of batty weighing two maunds of twenty-eight lbs. each, and eleven pounds and a half; or equal, on the whole, to sixty-seven and a half pounds avoirdupois. The parah of twenty adowlies or pylies contains each four seers, and there are two tiprees to the seer.

ing only the respective innovators' own estates; at the same time that, from being retained in the future rental, and making a part of it during the succeeding Governments, it becomes necessary briefly to advert to their principal heads: as, first, *t,hophill*, under which the measurement of the mofah was in a few places increased from twenty-four to twenty-five paras: secondly, *keybra* or *kebra*, being an additional seer per para, to make up to the proprietor the loss supposed to be occasioned by the transportation of the batty from the kully, or barn-yard, to the kotty or warehouse; in addition to which another seer was, thirdly, exacted, under the name of *kotty-parah*, for estimated wastage whilst remaining in the kotty: fourthly, *crescenca*, or increase, consisting of three adowlies of batty on every para of tokah, in the two villages of Cassy and Gorabunder: fifthly, *woopry*, or a further exaction, confined also to the last-mentioned district, for servants employed in superintending the crop: and sixthly, *candoleh* (the word meaning a basket), a particular exaction in the same place, and in the village of Meera, originating from a wedding gift to the Portuguese proprietor's daughter, which was thereafter converted into a permanency: seventhly, *daam-marcoondy*, or so much per marcoondy (a measure equal to six and a quarter paras), on which this daam or allowance was made to the landlady, or Portuguese proprietor's wife, in the village of Manory, which from an offering grew into a claimed right; and, lastly, under this division, the exaction of *fory serotore wary*, applicable to a small money-rent, levied in process of time from the coorumbees,* for their being allowed to raise vegetables, or other produce, on the common-ground set apart for the purposes of the kully-wary, or general barn-yard of the village.

Partial increases levied on the rice crops.

T,hopill.

Keybra.

Khotty-parra.

Crescenca.

Woopry.

Cantoleh.

Daam-marcoondy.

Second. The Portuguese derived also, in common with their predecessors, a money-rental from the cocoanut oarts, or orchards, that were, under the denomination of *narell ootpun*, or cocoanut product, assessed by the begah; besides what they farther rendered, under the head of *narelly zamp*, of two cadjans each, with a distinction in the rate of tax in favour of those called *darmar*, as growing in the Coorumbee's compound; whilst on the *brab* trees the cast of Bhundaries paid a due for the liberty of extracting their liquor, and the *poonavem* dyeing flower yielded likewise, by its sale, a small income to the lords of the soil; as did also the *deretty*, or duty on mill-stones and paving-stones, and the *mittaugur*, or salt-pans; and something was collected from dyers, under the head of *rung putty*; and, on *rend doly*, or fishing stakes, being a due on those set up in the Salsette waters, for each of which the Portuguese exacted from four to ten rupees, the fishermen being moreover subject, on account of the ground their houses stood on, to a capitation, or body-tax, at different rates, according to their ages; and in three villages there was a levy under the head of *rend musslee*, for the privilege of preparing and selling dried fish; added to all which, the Portuguese appear to have, under the term of *rend daroo* (renda signifying in Portuguese a farm), derived a revenue from the exclusive right of vending toddy and mowrah-arrack, in certain parts of the island; and in others from *rend bhutty*, being a tax paid by the Bhundaries for the liberty of distilling and selling the spirit at their own

Rental derived from other products.

Cocoanut oarts.

Narelly zamp. or cadjans.

Darmar cocoanut trees.

Brab or palmyra trees.

Poonavem.

Mill-stones.

Salt-pans.

Fishing stakes.

Angdena or body-tax on the fishermen.

Dried fish.

Rend daroo, liquor farm.

Rend bhutty or still tax, and Rend joaray.

* Coorumbee, the Portuguese or local corruption of the Hindvee term *koonby*, as generally used throughout northern India for husbandman or cultivator of the soil: in Salsette it is also pronounced *coolumbee*.

own houses; and another under the name of *rend joaray*, which entitled families paying it, in the single village of Bhoinder, to buy their liquor where they pleased.

Additional aids and services.

Bhunder bhara.

Third. The Portuguese made, under the analogous heads of *bunder bhara* and *wahatra*, an additional levy from the cultivators, of from one seer to one adowley per para, according to the local distance, on plea of defraying the charges of transporting the paddy from the kully to the bunder,

Augairah.

or place of embarkation; and another called *augairah*, for supplying the expense of a festival or entertainment by the landlord to the coorumbee or cultivator, on the coming in of the new crop, for which an adowley of batty was collected from each family in the district of Marole; besides which,

Dookanwary, or shop-tax.

under the head of *dookan-wary*, or shop-tax, a considerable income was generally derived, for the privilege granted exclusively to certain Banians to sell articles of grocery, and other ordinary consumption, to the inhabitants.

Portuguese economical modifications in the charges of management.

Ambar.

Mapelly.

Fourth. The Portuguese made also some economical arrangements: as, first, under the head of *ambar*, consisting of resumptions on the Mahatara's dues for keeping the village accounts: secondly, in the articles of *mapelly*, or curtailment in the expense of measuring the crops in the district of

Viziadores.

Daravie: thirdly, *viziadores*, or watchmen over the grain in the kullies, or places where it is collected after being reaped, being a saving made in this

Sanney.

charge in Moordem, and added to the rental of that village: fourthly, *sannaey*, or ditto, for other watchmen over the growing crops, in the villages of

Custom prubhoo.

Wooten and Goray, in the district of Daravie; and lastly, *custom prubhoo*, being a consideration in kind for the village writer's wages, paid by the landlords in money, whilst they continued to exact on their own account from the coorumbees the larger local dues originally provided for that purpose.

Reduction of Salsette by the Marhattas in 1737.

VII. *First.* Such appears to have been the financial and generally prosperous condition of Salsette, up to A. D. 1737, in the month of March of which year it was wrested from the Portuguese by the Marhattas, towards the close of the reign of the Sahou Raja, and the commencement, on that sove-

Motives for their attack on the Portuguese.

reign's demise, of the administration of the first Paishwa, Bajee Row; the Marhattas being, in concurrence with motives of aggrandizement, said to have been moved to the enterprize of conquering the territories, then locally known under the appellation of Fringhistan, or the "Europeans' Territory" (*viz.* Bassein, called their capital of the North, and Salsette and Chaul, and the Portuguese country extending from Bassein to Demaun to the north), by the complaints of the Gentoo inhabitants at the intemperate zeal with which it was attempted to convert them to the Roman Catholic faith, and to subject them to the terrors of the Inquisition.

Conquest, how effected,

Second. Under these circumstances, the entrance of the Paishwa's forces into the island of Salsette was facilitated by a covert understanding with several of the inhabitants.

with the consequent depopulation of Salsette, and its causes.

Third. During the period of between two and three years, that, after their acquisition of Salsette, the fortress of Bassein was able to hold out against the arms of the Marhattas, the inhabitants of the first-mentioned island continued to retire out of it; the Portuguese from disgust at their new masters, and sundry of the Gentoos from the dread of the Paishwa's failing to reduce

Bassein,

Bassein, in which case they must have fallen back into the power of their irritated Portuguese landlords: from which causes, when, after the expulsion of the latter from their northern capital, the Marhattas began to examine into the fiscal resources of Salsette, they found them very much deteriorated and reduced.

Institution of Patells.

VIII. *First.* Under these circumstances, Kundojee Manker, the first Soubahdar of Salsette, sending for the Mahataras of the time of the Portuguese, constituted the ablest of them Patells* (before which there were no officers of this denomination) of the several villages, and settling terms through them with the Coorumbees he restored as far as possible the cultivation.

Their financial administration.

Additions to the tokah assessment.

The article of deshmookey,

Second. In consistence with their own usages, the Marhattas added to the Portuguese assessment, under the denomination of *deshmookey*, a grain payment, rated first at two adowlies per para, amounting to eight per cent. on the rice tokah, and to seven per cent. on the nekdy, or ready-money part of the rental; laying on, at the same time, another tax in favour of Bogajee Nayk, a Hindoo, who having assisted them in the conquest was constituted head Patell, in which capacity he was authorized to exact two seers per para, or two per cent. on the rice, and one-half per cent. on the nekdy settlement, under the denomination of *ser-patelly*.

and that of ser-patelly.

Third. Neither the deshmookey nor the serpatelly had operation on the following further money-taxes: the first on their houses (called *gurhputty*, and with an exemption to Pattels and Mattaras) at from one-quarter to one full rupee per choola or fire-place; secondly, on tobacco *(tambag putty)*, at the same rates per houses as above specified for the gurh-putty; and thirdly, *woonday-putty*, an imposition on the Coorumbees in lieu of their labour, towards the fortifications, and ultimately fixed at the rate of three-fourths of a rupee; whilst, under the comprehensive term of *mot-hurfa*, a revenue was raised on the exercise of arts and professions upon the island, so that, on the whole, there were added by the Marhattas to the former imposts, forty-six in money and twenty-four in grain, several of which stand hereafter more particularly noticed.

Gurh-putty.

Tobacco-putty.

Woonday-putty.

Mot-hurfa.

Reduced rates of tokah admitted by the Marhatta administration.

Fourth. To provide, at the same time, against the effects of the already-noticed desertion of the inhabitants, the Marhattas found it necessary, in consequence of the lands having been deserted by so many of the inhabitants, to assign the vacant spots to such as would cultivate them, at the doozaye (two-thirds), nemaye (one-half), teezaye (one-third), and chowtaye (one-fourth), of what had been the Portuguese tokah, and at other relative rates, under the term of *kundit*, importing generally such conditions as might be agreed upon.

Compensatory new taxes which they introduced.

Chudd and chowriassy.

IX. The Marhattas endeavoured to compensate their loss in this respect by the introduction of new taxes, or by an enhancement on the old: first, in the two articles of *chudd* and *chouriassy* (both words importing increase), to an inconsiderable amount, in the district of Trombay: secondly, by a tax for the charge of embankments against the sea, levied from the inhabitants at a certain surplus rate on their tokah, in those places liable to such inci-

* Of Patells it is said, that none were known in Fringhistan or the Portuguese territory. However this may be, those instituted on the Marhatta conquest have since been viewed as the hereditary local managers of their respective villages, or rather of the lands dependent thereon.

Cullowta.

dents: thirdly, by other impositions, under the name of *cullowta*, &c. operating in favour of Government, in the division with the Ryots or Coorumbees, in the Ardhul villages, of the produce of the soil: fourthly, by an enhancement of the *deokherch*, or collection for defraying the charge of religious worship; to which they added some new levies, under the heads of *vun charray*, or for the grazing of cattle; and of *bussun penda* and *gavatt*, or duty on the export of straw and hay, and of *poin gavatt*, *i. e.* the rent of hay-grounds let out to the highest bidder, and of *penda*, being a further tax levied from the Coorumbees on the straw of the crop, whereof they paid also the grain tokah, and from *bussun gulvut*, or a tax of one ..... for every boat built.

Dockherch, or religious worship.

Vuncharry, or grazing tax.

Bussun penda, or duty on the export of hay and straw; and poin, or rented hay-grounds, together with penda, or straw tax, and bussun gulvut, or levy on boat-building.

Taxes on liquor.

X. Other additions to, or modifications of the old taxes by the Marhattas, related to those on spirituous liqours, consisting of a payment in money made, under the denomination of *mehal-putty*, by the inhabitants of the two villages of Cassey and Gorabunder, for being exempted from the operation of the ordinary taxation on spirituous liquors; and, under the head of *khereedy daroo* or purchase of liquor, by an enhanced premium on an advance on this account by the officers of Government. But the principal revenue from this general source continued derivable from the rend toddy and mowrah daroo, of the same general description as the rend daroo noticed in Clause second, Section VI, being the farm of the liquor distilled from the toddy trees and mowrah fruit; inclusive of the pully daroo, or dues from particular arrack shops; and the separate rend toddy, consisting of the particular farm of that article in the village of Bhoinder, already adverted to, under the designation of *rend joaray*, in the clause and section last-cited.

Khereedy daroo.

Rend toddy and mowrah daroo.

Tile tax.

XI. Another small tax was derived, under the denomination of *kart*, *hal*, from the tile-makers, in consideration of the earth of the salt batty-ground used in their trade.

Berbat or orchards, chodem and thopay.

XII. A further source of revenue derived by the Marhattas from Salsette, in like manner as under its Portuguese sovereigns, arose from the cocoanut oarts, under the several descriptions of *baghaut* or orchards, *chodem* or husks, and *thopay* or cadjan-stalks, together with the old article of *narell oot-pun*, already explained.

Public income from the fisheries, under the heads of rend kharee, hasil bombil, soray, and massee.

XIII. There were likewise several articles of public income from the fisheries, as paid by the fishermen or coolies, under the different heads of *rend-kharee* or creek-rent; *hasil* or collection on *bombil*, a land duty on all the fish so called that were carried inland; and *soray*, being a small consideration in dry prawn that the coolies in Trombay paid for the privilege of soaking their hemp in the tanks; and, finally, *massee*, explained to be a tax of one fish per boat collected on the river-fishery at Danda, and commuted into a small pecuniary payment.

On trees, oil of the woondy and carranze.

Ranzan.

Mangee jack and tamarind.

XIV. A further source of the Marhatta revenue in Salsette arose from the produce in the money and kind of different species of trees; such as was derived from the oil of the *woondy* and *carranze*, a tax on certain *ranzan* trees growing on the hill of Bandora, and the sale of the fruit of the mangoe, and jack, and tamarind trees, and the amount levied from the Bhundaries

of

of two annas per *khory*, or monsoon cadjan covering, calculated on a certain number that the Marhatta government required for the use of their public servants during each rainy season, and the farther article of *khereedy zamp*, being a small levy on the sale of cadjans in the single village of Mulloon. Khory. Khereedy zamp.

XV. It has been already intimated in Section VIII, that during the Marhatta government there were taxes on professions, under the denomination of *mot-hurfa*, consisting of levies on the exercise of all arts and trades in the island, varying from two or four rupees per shop; besides which, under the term of *foutedary*, or shroff's fee, an additional tax was levied by Government from the Coorumbees or Ryots. A duty, under the name of *toop*, was levied, from six to eight rupees on each maund of ghee brought down for sale by the milkmen who live in the hills; and under that of *Ihunda* or *Junda Putty*, a contribution was paid by the Banians in Tannah, the principal town of the island, said to have been originally introduced to defray the expense of the police, though since blended with the general jumma; together with a small revenue derived, under the denomination of *rend tailly*, from the sale of oil within the limits of the same town. Taxes on professions. Mot-hurfa. Foutedary, or shroff's tax. Toop, or tax on ghee. Ihunda putty, or police tax. Rend tailly.

XVI. There was also a duty raised on the firewood growing on the hills, consisting, first, of *rend vun*, i. e. the farm of the privilege of selling wood on the hill of Vanoor, for which every Coorumbee used to pay to the farmer two reas per bundle, a rate that was by several villages commuted into a settled tax per house; and secondly, of *phantay bharray*, being a commutation in money for a certain portion of wood which the farmer exacted from the Coorumbees, or obliged them to furnish and deliver to him for his own family use; thirdly, *vun muckta*, or the general duty on cutting wood from the hills, which was also leased out to a farmer; and fourthly, *dully*, being the rents of spots of ground on which the hill-people raise small crops of natchenee, gram, and other dry and coarse grains, and some vegetables, being only an extension of what has been adverted to under the term of *dongur*, in Section IV, as existing in the time of the Portuguese, to which the Marhattas however added, under the name of *toop*, a tax on the products of the hill-dairy. Taxes on firewood. Rend vun. Phanta bharray. Vun muckta and dully, or spot of grain cultivation on the hills.

XVII. The last head that need be here enumerated of this long catalogue consisted of taxes on vegetables cultivated in the plains: as first, on *canda*, or onions, growing on Government's ground in the districts of Trombay and Daravee, and yielding a third of their commuted produce in money; secondly, a tax of two rupees and a half per mille on the water-melons grown on the batty or rice-grounds of the Coorumbees after the batty is reaped; and thirdly, and finally, a tax on *merchy* or long-pepper, raised chiefly on ground under the same circumstances; besides some other sources of financial emolument that require not to be here more distinctly detailed. Taxes on nilotry, or vegetables; Canda or onion. On water-melons and on merchy or long pepper.

XVIII. *First.* As to their local management, the Marhattas divided the island into seven districts, to each of which they appointed a Havildar, assisted by Carkoons, or accomptants, with Patells to act as superintendants over the other cultivators, to whom their Patell was entrusted to assign the ground they were willingly or otherwise to bring into cultivation; of which, when System of the local administration under the Marhatta Government.

when adjusted, these Patells attended on their respective Havildars, with the sewastels, or estimated results, and these latter presenting them to the Marhatta chief of the island, their aggregate formed the annual jummabundy, or amount to be collected from the lands for each year.

Second. During the administrations of the first Paishwa, and of his son Balajee Row, which lasted till 1761, the island is said to have remained comparatively prosperous, without suffering much under oppressive burthens, till during the minority of the next sovereign, Mahdo Row, when all affairs being left more to the discretion and arbitrary will of the local officers, it was deemed admissable to have recourse generally to the hurtful practice of letting out the lands annually, to those Khotes, or temporary farmers, who would give the most for them; for which they again indemnified themselves, by making exactions from the people over and above the established rates, whether in money or kind; to which being added great and extraordinary severities on the inhabitants, from the imposition of begar, or compulsory service, the island was, under the operation of those combined causes, reduced to great distress: inasmuch as to have occasioned the desertion of many of its inhabitants, and the consequent decay of its agriculture, to a degree that could not be remedied, although attempted, during the short period that elapsed between Mahdo Row's majority and death, in the year 1772; nor in the interval that his brother Narain Row survived him in the Government.

Decline of Salsette under the Marhatta administration.

XIX. Under the influence of these untoward circumstances and the weight of the accumulated taxes, the current revenue was, upon the expulsion of the Marhattas by the English, A. D. 1774, found very much in arrear.

Marhatta system in a great measure continued after the conquest by the British.

Bad effects of the farming system after the Company's acquisition of the island.

XX. *First.* Upon Salsette's becoming thus an annexation to the Honourable Company's territorial acquisitions in India, the form of its civil government was in some degree assimilated to our own: but (the removal of some of the native officers excepted) no alteration took place for many years thereafter in the system of its revenue and collections; whilst, with a view to supply the deficiencies in the Marhatta schedule of rents and revenues, recourse was had to the prejudicial expedient of leasing for a limited time the different villages to the highest bidders, many of whom being men of desperate fortunes, the remaining productive funds were racked and exhausted by their avidity, whilst from their own personal failures the Government was not unfrequently disappointed in the amount of its receipts; till at length, in the year 1788, it was proposed by Mr. Farmer, the officer locally in charge,

Improvement proposed in 1788,

" to encourage persons to pursue the cultivation and general improvement " of the Company's villages, by ensuring to them and their heirs for ever " the fruits of their labour and expense, and at the same time securing to " the Company, as lords of the soil, a fair participation in these improve- " ments;" so as, in his idea, " to convert the system of needy adventurers " and temporary farmers into one of permanent Zemindars." But the Bombay Government, although they saw and acknowledged the mischief of short leases, considered the full extent of Mr. Farmer's propositions as unadvisable; and suggested to the Court of Directors, under date the 1st January " 1789, " to grant leases for twenty-one years, on condition that the farms " should be surveyed and valued at the termination of seven and fourteen

and Bombay Government's suggestions to the Court of Directors;

years,

" years, to the end that the Company might be entitled to the moiety of what " the lands should appear to have improved in value during each intermediate " period." In reply to which, the Court of Directors signified, in the fourth paragraph of their general letter of the 21st of April 1790, " that they " were much inclined to concur in Mr. Farmer's suggestions, though not to " the extent proposed by him;" directing, at the same time, the administration of this presidency " to have the concurrence of the Governor-General " in Council previously to forming any final or permanent system, and " desiring that all the information collected on this subject might, for this " purpose, be submitted to that supreme authority."

with the Court's consequent instruction,

and directed reference of the subject to the Government-General.

Second. The Government-General was accordingly furnished, on the 10th of November 1790, with the information that had been thus collected respecting the desirable improvement of the revenues of Salsette, and application made for their instructions, which, when communicated, under date the 23d of February 1791, consisted of suggestions for obtaining fuller information, as to whether the property in the soil was vested in the Company or in the occupants, subject only to their payment to Government of the toka, or moiety of the crop?

Correspondence with the Government-General on the improvements of the system in the island of Salsette.

Third. It was intermediately recommended by the Supreme Government to discontinue the system of farming out the lands to the highest bidder, and that the British Collector should himself realize the revenue, through the co-operation of the local native officers, called Patells and Mattarahs, and the agency of Havildars, superintending the several tuppehs or subdivisions of the island, with power to the latter to decide in petty disputes, subject to appeal to the local British authority, and in cases of magnitude to the Bombay Government.

Farming system disapproved.

Fourth. In acknowledgment of these instructions, the Supreme Government was advised, under date the 22d of March 1791, that these recommendations had, with every precaution of which circumstances would admit, been adopted, in respect to the mode of collecting the revenues of Salsette, and the duties of the several officers employed in the collections; and an intention was also expressed to supply the further information that had been required.

XXI. Meanwhile it had, in the year 1788, been previously determined to discontinue the objectionable practice of letting out the batty or rice lands to the highest bidders, and instead thereof " to retain the farms, at " the expiration of the then existing leases, under the Company's own " management;" a system which led to the re-establishment of the Havildars and Carkoons in the several districts and villages. But the expected good effects of this degree of improvement on the farming system were not felt, partly from its being almost immediately followed, in the year 1790-1, by a most calamitous famine and mortality, occasioning the loss of a great number of the labouring classes of the inhabitants; under all which events it appears that, on a medium of twenty-one years, from 1774 to 1795, the jemmabundy, or public rental, had been framed on a calculation to yield a revenue to Government of about one lac ninety-five thousand five hundred and sixty-six rupees; whilst the average collections had not realized above one lac seventy-seven thousand two hundred and ten rupees; exclusive, in

Farming system discontinued.

Severe visitation of famine and mortality.

General rental from 1774 to 1795.

Charges of establishment, and management, during the same period.

both respects, of the article of deshmookey,* or ten per cent. on the batty revenue rendered in kind, and of seven and an half on that paid in money, amounting altogether to about twenty thousand rupees, which had, since the introduction of the Company's authority, been assigned to the English chief in part of his salary and allowances; there being further to be deducted from the sum of realized revenue brought as above to account, the charges of collection, consisting of wages to native officers and servants, the expense of embankments, and of the transportation of batty to Bombay, and towards the support of the Roman Catholic, Mohammedan, and Hindoo religious ceremonies; all which amounted, on the same medium, to twenty thousand eight hundred and ninety-two rupees, leaving of net collections the sum of one lac fifty-six thousand three hundred and eighteen rupees.

Mode of settlement proposed in A. D. 1796 by Mr. Rivett Carnac.

XXII. There being, under these circumstances, reason to conceive that the greater number of the taxes, successively assessed on the arable land, had produced effects that called for amendment, it was, in the year 1796 of the Christian æra, proposed to Government by Mr. Rivett Carnac, whilst in charge of the financial interests of Salsette, to recur to the earlier principles of the Portuguese taxation, and by modifying and lessening the impositions which that nation, and much more their Marhatta successors, had laid upon the lands, to reduce and simplify the demands on the Coorumbees or cultivating tenants of the soil.

Reference to the productive state of the lands, during the Portuguese, the Marhatta, and the English Governments.

XXIII. With reference to this object, it was observed, that out of the ten thousand and seventy-seven morahs of batty, which constituted (as adverted to in Section V.) the full toka rental of the former, the latter could, from the desertion of landholders and Coorumbees, realize from the first no more than eight thousand nine hundred and twenty-three, to which they added babties, or cesses, to the extent of two hundred and thirty-three morahs,

Decrease in the cultivation after Marhatta conquest,

and were, from the decline of cultivation and the progressive decay of tanks, wells, and water-courses, obliged to allow abatements to the amount of one thousand six hundred and ninety-one, leaving a result of seven thousand four hundred and sixty-five morahs, as their effective jummabundy or receivable rental, whilst, by means of further considerable abatements during ours, with but a few additional babties, the Honourable Company's real grain revenue amounted in 1794-5 to no more than six thousand and seventy-five, on an arable extent, however, equal to seven thousand five hundred and fifty-eight morahs of the original Portuguese demp jara or rice cultivation,

with proposed means for its restoration,

* By Section VIII. the deshmookey will appear to have been only eight per cent., but Bogajee Nayk, the Serpatell, having fled on the Marhattas losing possession of the island, his collection of two per cent. was included in the deshmookey, which from 1774-5 became applicable to the salary of the British chief, together with the seven and a half per cent. which the Marhattas had originally authorized to be levied, under the heads of deshmookey and serpatelly, on the nekdy part of the settlement. In as far, however, as this deshmookey or serpatelly was calculated to operate as an additional burthen on the Coorumbees, the latter had, for a series of years before the English conquest of the island, been relieved by the Paishwa's relinquishment and prohibition of both the taxes in question, the amount of which being, as is said, accounted for to himself as deshmook, as well as to the serpatell by a proportionate deduction from the annually realized revenue, notwithstanding which, the village khotes, or inferior farmers, continued to make partial exactions under these heads in addition to the tokah, which clandestine levies were converted into public collections, under our administration, till the introduction of the new system in 1798-9.

cultivation, which tokah of the Portuguese being, as already noticed, esteemed the half of the crop in ordinary seasons, the two shares composing the gross aggregate of the said tokah, or antient produce, up to A. D. 1795-6, would, were the above abatements and babties both withdrawn, be equal to fifteen thousand one hundred and sixteen morahs; on which, Mr. Rivett Carnac recommended, that instead of the one-half, one-third only of that aggregate should, taking the tokah of the Portuguese as the guide, be the rate at which the lands should be assessed in future.

by a reduction of the share of Government in the crop from the half to one-third,

XXIV. As a further, and necessary incentive to the projected improvement, Mr. Rivett Carnac suggested, that the Coorumbees should be admitted to a defined and certain interest in the land they respectively cultivate, their occupancy having thitherto been understood to be founded rather on prescriptive than positive right; for removing all doubts respecting which, it should be publicly signified to the Ryots, that the perpetual possession of the property held by their forefathers would be secured to them by written deeds, as long as they continued to pay the rent to be settled for their respective local extent of cultivation.

and by declaring the cultivators to be the proprietors of the soil.

XXV. Besides this amendment in the system of the land revenues, Mr. Rivett Carnac proposed to abolish the three articles of gurh-putty or house tax, tambag-putty or tobacco tax, and wondia-putty or fortification tax, as already explained to have been introduced on the Marhatta conquest, Section VIII.

Abolition of the taxes on houses, tobacco, &c.

XXVI. On the other hand, Mr. Carnac suggested the eligibility; first, of laying an assessment, equal to one-fourth of their produce, on the thitherto altogether untaxed fruit-trees, the property (as he observed) for the greater part of wealthy subjects residing at Bombay, and whence might be expected a yearly income of twelve thousand rupees; secondly, to intercept, in behalf of Government, part of what he shewed to be the extraordinary profit derived by those who imported tobacco for sale into the island, by farming out to one or more individuals, for the consideration of ten or fifteen thousand rupees by the year, the exclusive privilege of importing and vending this article, at its then current price of five rupees per maund; thirdly, to raise ten thousand rupees by an extension of the leased privilege of the arrack farm, beyond, and in addition to, the then actual income of fifteen thousand rupees per annum, that the said farm at that period produced; which three additions would be in compensation for the proposed abatement in the grain jummabundy or demp-jara rental, and also for the recommended abolition of the three other articles of gurh-putty, &c.

Recommendation of an additional tax on certain fruit-trees, equal to one-fourth of their produce, together with a tobacco farm, and an extension of that on the sale of liquor.

XXVII. The effect of those proposed ameliorations was expected to lead to an increased cultivation, more particularly of the waste part of the demp-jara ground of the time of the Portuguese; especially if promoted by the construction of a commodious land communication with the contiguous island of Bombay, the ground in which was represented to be at that period (*viz.* in 1796) at a tenfold superior value to that in Salsette, notwithstanding that its rice fields are more heavily assessed than those of Salsette to the revenue of Government.

Improved communication between Salsette and Bombay.

XXVIII. The

Recapitulation of the causes that have contributed to the decline of Salsette.

XXVIII. The Governor in Council proceeding, in the same year 1796, to take into consideration the several suggestions thus submitted by the late Mr. Rivett Carnac, it was on that occasion observed, that the causes of the decline in the once prosperous state of the island of Salsette were deducible from the revolutions it had undergone, as experienced in the unfavourable consequences to its cultivation and productiveness, from the desertions of the opulent part of its Portuguese proprietors on its reduction by the Marhattas, joined to the effect of the numerous levies which during their government were added to those of the Portuguese, so as unitedly to exceed in number one hundred distinct heads of taxation, such as added to the farther depopulation by the wealthier classes of the last-mentioned nation on our acquisition of the island in 1774, and, followed up by the injudicious method of farming out for a series of years the lands to the highest bidders under the English administration, constituted a series of disadvantageous occurrences, that were, inclusive of the supervening calamity of the subsequent famine, not inadequate to the impoverishment to which the territory in question had been reduced.

Reductions in the tokah and other articles thereon authorized.

XXIX. With a view, therefore, to promote the gradual restoration of the cultivation, and towards restoring the inhabitants to more competent means of livelihood, it was deemed advisable to acquiesce in the proposed reductions, even in the amount of the old Portuguese tokah, and generally to introduce the several alterations that Mr. Rivett Carnac had submitted according to the preceding detail.

The Government of Bombay's consequent recommendations to the Government-General

XXX. *First.* It was however requisite to make, in pursuance of the Court of Directors' orders, a report of the whole subject to the Supreme Government; on which occasion the following propositions were, under date the 19th of August 1796, suggested to their consideration.

to make a permanent settlement with the Coorumbees at one-third of the estimated produce in the demp-jara, or rice cultivation.

Second. To authorise the Collector of the island to make a general and fixed settlement with the present Coorumbees or Ryots, considering each as the permanent possessor or proprietor of the land he cultivates (to which effect deeds should, after the approbation of the settlement, be passed in their favour), fixing the jummabundy at two-thirds of the moiety of the Portuguese tokah assessment upon the grounds in cultivation; those known under the denomination of *serotore* and the *ardhul* lands excepted, which were each to continue subject to their present mode of rental.

Taxes to be abolished.

Third. That the taxes on articles of gurh-putty and of tambag and woondy putties should be abolished.

Extension to tax on trees, tobacco, and liquor.

Fourth. That the Collector should be authorised to make the experiment as to laying on the new assessments on the hitherto untaxed trees, the sale of tobacco and spirituous liquor, inclusive of all intoxicating drugs.

All bapties or additional cesses to be abolished.

Fifth. All the direct assessments on the tokah lands, introduced under the name of bapties or cesses, since the formation of the original Portuguese jummabundy,* to be of course left out and done away, upon the introduction of the plan thus proposed; at the same time that this general abolition was not to be considered as extending to and comprehending any revenue arising

* Jummabundy, the general rental from all sources.

ing directly or indirectly from the produce or use of ground, in as far as the same might be derivable from spots or places where the tokah or demp-jara* assessment never had, or has not any operation, either from their having never been in a state of cultivation so as to have been assessed to the tokah, or from not yielding any present revenue of that or other denomination from their present waste or fallow state; reserving besides, as applicable to the future revenue, the *dongur* or hill-cultivation adverted to in Section IV, and the *toop* explained in Section XVI, as likewise the hay-tax, and the *vun charray* or pasturage, noticed in Section IX.: nor were the taxes to be given up on salt-pans, mill and paving-stones, nor on the *dookans* or shops, specified in Section VI, or upon the fisheries and fishing-stakes, as per Section XIII, or the duty on boat-building, Section IX, nor from the *vun muckta*, or wood-cutting, Section XVI, nor the *mot,hurfa*, or taxes on artizans, Section VIII, nor the *I,hunda putty* (as adverted to in Section XV.); it being the intention that those several articles should for the present be retained, subject to future regulation, or in the view of their produce being eventually applied as funds for supporting the charges of a more perfect police, should the introduction of any separate establishment for that purpose prove necessary.

Enumeration of miscellaneous taxes to be retained.

Dongur, or hill-cultivation, and toop.

Hay-tax, vun charray or pasturage.

Salt-pans, mill-stones, shop-tax, and fisheries.

Bassun-gulvut vun muckta.

I,hunda putty.

View to the future establishment of a police for the island.

Sixth. The taxes on the brab and cocoa-nut trees and on the ponavem flower, as established since the time of the Portuguese, and the public income from the fisheries, of equally ancient institution (for which see Section VI.), were to continue, according to the condition in which they stood during the Marhattas' and our own government.

Other old taxes to be retained.

Seventh. The following of the old taxes were to stand abolished by the new settlement.

Catalogue of Portuguese taxes to be discontinued;

1st.	Thopill	adverted to in Section VI.	
2d.	Keybra	ditto	ditto.
3d.	Khotty-para	ditto	ditto.
4th.	Crescença	ditto	ditto.
5th.	Woopry	ditto	ditto.
6th.	Cantoleh	ditto	ditto.
7th.	Daam-marcoondy.	ditto	ditto.
8th.	Sennay	ditto	ditto.
9th.	Mapelly	ditto	ditto.
10th.	Viziadores	ditto	ditto.
11th.	Custom prubhoo	ditto	ditto.
12th.	Bunder-bhara and Wahatra ...	ditto	ditto.
13th.	Augayrah	ditto	ditto.
14th.	Daam-marcoondy	ditto	ditto.

15th. Rend-joary, as likewise adverted to in Section VI, being all the Portuguese taxes that appeared objectionable: The following being the most important of those laid on by the Marhattas, of the like exceptionable description, and that were as such to stand prohibited.

and of similar taxes imposed by the Marhattas.

16th.	Deshmooky	noticed in Sections VIII. and XXI.	
17th.	Serpatelly	ditto ...	Section VIII.

* Demp-jara, the rental arising from the rice grounds.

18th. Gurhputty ..... noticed in Section VIII.
19th. Woondayputty ..... ditto ... ditto.
20th. Chud and Chowriassy ..... ditto ... Section IX.
21st. Cullowta ..... ditto ... ditto.
22d. The Deokherch ..... ditto ... ditto.
23d. All the articles on spirituous liquors adverted to in Section X; as to these would be substituted a new system.
24th. Soray ..... noticed in Section XIII.
25th. Khory ..... ditto ... Section XIV.
26th. Khereedee-zamp ..... ditto ... ditto.
27th. Foutedary ..... ditto ... Section XV.
28th. Rend-vun ..... ditto ... Section XVI.
29th. Phanty bharray ..... ditto ... ditto.

With all other miscellaneous taxes not specially reserved in Clauses fifth and sixth of the present Section.

Sherry service discontinued.

Eighth. There was a service exacted by Government from the Coorumbees on Salsette, under the denomination of *sherry*, consisting in their ploughing and sowing a certain quantity of land when they had finished the cultivation of their own. The produce had, under the authority of Government, been assigned to the Collector, in addition to his deshmooky; but it was now ordered to be no longer exacted.

Prohibition of compulsive service and gratuitous labour.

Ninth. Besides the above, all seizures of Coolies to carry gentlemen's baggage were prohibited; and no service of any kind admitted to be exacted or allowed of without paying for the labour.

Supreme Government's instructions on the proposed reform.

XXXI. The tenour of the several clauses in the preceding sections met with the entire approbation of the Supreme Government, as expressed in their letter of the 27th of January 1797, which included likewise their recommendation that the privilege of selling or transferring their lands should

Coorumbees to be considered as proprietors of the lands.

be conferred on the Coorumbees, as the hereditary proprietors of their respective occupancies, under such rules and restrictions as the Government of Bombay might judge proper to prescribe for the security of the public revenue; the principle of which was, to continue, in the manner hereafter

The fixed rent to be computable in grain and not in money.

noticed, to rate the fixed demp-jara part of the rental in grain instead of money, for the purpose of guarding against the gradual diminution in value of the precious metals; of all which the Court of Directors were advised, under date the 23d of April 1798.

Approbation of the Court of Directors,

XXXII. In acknowledging those advices, the Court of Directors were likewise pleased to signify, under date the 20th of March 1799, their concurrence in the approbation which the Supreme Government had expressed of the several propositions contained from Section XXVI. to Section XXX,

and views with which that sanction was extended.

both inclusive; as having for objects "an increase of the revenues, a "decrease in the expense, and an amelioration in the condition of the "inhabitants."

Appointment of a Judge and Magistrate and Collector.

XXXIII. Towards realizing the views thus expressed, the establishments of the Chief and Factors were abolished, and a Judge and Magistrate, and Collector appointed, on the principles recited in the preamble to Regulation III. 1799.

XXXIV. In

XXXIV. In similar prosecution of the new system, the privilege of vending tobacco, snuff, and ganja, was leased, on the 1st of August 1798, for thirty thousand seven hundred rupees per annum, during the term of three years; and that of arrack, from October of the same year, for thirty thousand one hundred rupees, for a like period; since which the value of the latter of these farms has been increasing by the subsequent leases. Amount of the leases of the tobacco and arrack farms.

XXXV. Under date the 24th of January 1799, the Collector reported that the money taxes ordered to be abolished had been discontinued, and the reduced grain assessment carefully apportioned, according to the demp-jara records of the several villages; agreeably to which, the collections were ordered, on the 5th of March 1799, to be made for that and every future season. Discontinuance of the abolished taxes, and introduction of the reduced grain assessment.

XXXVI. *First.* The tax on the fruit trees, as recommended under Section XXVI, proved so particularly obnoxious, that the Collector suggested, on the same occasion, the expediency of commuting it into an engagement on the part of the owners of those trees to bring into cultivation an extent of waste land productive of a rent to Government equivalent to the other relinquished tax on the trees; an accommodation which began to operate from the month of March 1799, and was farther sanctioned by Government on the 26th of April 1800: against which a remonstrance was however presented by the inhabitants of the tuppeh or division of Bandora, founded upon the plea and averment of their not possessing the means of complying with the prescribed condition, from there remaining, in fact, no waste ground within their limits; upon which occasion it appeared, by a report from the Collector of the 21st of August 1800, that Mr. Rivett Carnac had intended to reduce this proposed tree-tax, in all such instances, to one-half of the full assessment. Modifications of the proposed tax on fruit trees, and scheme of commutation for this tree-tax, affecting the district of Bandora, and other parts of the island.

Second. Upon consideration of this remonstrance from the cultivators of the district of Bandora, and of the general circumstances of that division of the island, the Collector was instructed by Government, under date the 29th of the same month and year, to cause a correct survey to be made of the lands of the petitioners, so as to ascertain their real annual value and fiscal capacity.

Third. In general reference to this part of the subject, the following may be considered as the average product per begah from the three different kinds of soil, in the chowka, or white batty cultivation. General rule

	Morahs.	Parahs.		Morahs.	Parahs.	Adowlies.
A begah of the first sort is estimated to produce	1	7	Government's third	0	10	13⅓
Ditto of the second sort	1	1	ditto	0	8	13⅓
Ditto of the third sort	0	20	ditto	0	6	13⅓
Produce	3	3	ditto	1	1	0
Medium per begah	1	1	ditto	0	8	13⅓

or twenty-six parahs of pross produce for thirteen of the antient tokah; making eight parahs thirteen and one-third adowlies the medium rate of the Government's present third or tokah share per begah.

Fourth.

for estimating the agricultural produce and revenue rate per begah.

Fourth. Hence, with or without reckoning on the additional parah, a begah may be considered as productive, on an average, of a morah of batty; whence two begahs may, on the former Portuguese and Marhatta system, be viewed as yielding on a general estimate one morah of demp, or fixed rental, from the husbandman to Government.

Comparative view of the demp or toka and ardhul systems, as exemplified in the instances of the villages of Murva, Wooten, Dongree, and Malowny, deducing the present general rate of money-rent to Government.

Fifth. In some cases, however, the distinctions of soil extended to four subdivisions, as ascertained on the occasion of an application made in 1801 by the cultivators of the villages Murvâ, Wooten, Dongree, and Molowny (which had, with a few other villages in the northern part of the island, thitherto paid their rents, as an exception to the general rule, according to the ardhul or half produce) for a demp settlement; from which the following comparative view of the particulars and result of the two systems is given, for the fuller explanation of the general rules of assessment.

Chowka, or White Batty Cultivation.

	Begahs.	Quarters.	Ponds.		Morahs.	Parahs.	Adowlies.	Morahs.	Parahs.	Adowlies.
First sort	213	3	$4\frac{1}{4}$							
Second do.	330	2	$1\frac{3}{4}$							
Third do.	176	0	$0\frac{3}{4}$							
Fourth do.	23	2	1							
	744	0	$3\frac{1}{2}$	...at the medium rate of thirteen parahs the begah...	386	24	$5\frac{1}{2}$			
Double or gross produce					773	23	11			
At one-third of the gross produce					257	24	$10\frac{2}{4}$			
Preceding years ardhul, or estimated half produce					191	17	$4\frac{1}{4}$			
Increase to Government by the conversion of the rental in demp								66	7	$6\frac{1}{4}$

Khara, or Salt Batty Cultivation.

First sort	16	3	2	...at 4 parahs per begah	2	17	8			
Second do.	30	0	$1\frac{1}{4}$	...at 3 ditto	3	15	$3\frac{3}{4}$			
Third do.	29	3	$3\frac{1}{4}$	...at 2 ditto	2	9	$16\frac{2}{4}$			
Fourth do.	0	0	0	...at 1 ditto	0	0	0			
					8	17	$8\frac{1}{4}$			
Preceding year's ardhul or estimated half year's produce					6	3	10			
								2	13	$18\frac{1}{4}$
Ultimate increase in morahs, by the conversion from ardhul into demp								68	21	$4\frac{1}{2}$

The result of the above stated calculation on the chowka part of the assessment, yields to Government a money rental of Rupees 5,159, 2 quarters, 48 reas, or per begah, Rupees 6, 3 quarters, 73 reas.

Circumstances that may render the demp preferable to the ardhul mode of paying the revenue.

Sixth. The Coorumbees of these four villages having thus voluntarily entailed on themselves a larger payment to Government than they were before

before subject to, it may be fit here to notice, that they found, no doubt, an indemnification in becoming exempt, on this change of their tenure, from several services incident to the ardhul; such as having to cause the batty to be watched whilst it was reaping and continued in stacks, and until, after being threshed out, their own and the Government's respective shares were ascertained and removed.

Actual state of the Government's khara, or salt batty rental.

Seventh. With respect to the public, or Government's khara or salt batty ground, some part is subject to the modern toka assessment; but the greater proportion continues on the ardhul; the khara of the above-mentioned village of Mallowny continuing singly to be rated on the begowny system, since, for some reason not ascertained, the khara-part of the other village of Dongree, noticed in clause fifth, has not yet been assessed, as Government had sanctioned, to the begah rates for that species of cultivation, and there are not any thereof in the two other villages of Murwa and Wooten.

Relative number of demp and ardhul villages.

Eighth. There now remain no more than ten villages on ardhul assessment, out of one hundred and nine, which is the number of those on the island.

Present rental of the serrotore, chowka, or white batty land, how affected by the new system,

Ninth. The serrotore proprietors of the chowka or white batty lands not being considered to lie under any severity with respect to their assessment, which was already understood to leave them clear two-thirds of the gross produce, it was not within the view of Government to diminish the specific rentals due from the estates; notwithstanding which, it has happened that they have shared in a fully relative proportion in the operation of the general reduction, as follows:

Tenth. Supposing the gross produce of a spot of ground to be sixty parahs of white batty, one-third, or twenty parahs, composed the former share generally payable by serrotore proprietors of chowka cultivation; which proportion being, on the introduction of the new system in 1798-9, considered as their demp, was doubled, and the third of that again, or thirteen parahs and one-third, taken as their future rental to Government, amounting to little more than one-fifth of the gross produce; whilst, on the other general lands, that operation anteriorly took place (as already shewn in Section II.) on the half, instead of the third of the entire produce, and being calculated on a gross product of sixty parahs, the Government's present third thereof is twenty.

and how far Government is thereby prejudiced.

Eleventh. The produce to Government of the serrotore white batty ground in question stood, previously to the rateable reduction on the new system, at two hundred and ten morahs, ten parahs, and thirteen adowlies and a quarter, and is now one hundred and forty morahs, one parah, one adowly and a half; by which it is inferrible that Government have, reckoning the morah at the lowest rate of money-value, needlessly relinquished an annual revenue of fourteen hundred and seven rupees and two quarters and eighty reas.

State of the serrotore khara or black batty ground.

Twelfth. The extent of the serrotore black batty ground yielded to Government, up to the date of the introduction of the new system, one hundred and fourteen morahs, six parahs, eight adowlies and a half. It seems probable that all serrotore land had its original demp fixed by a

calculation on the begah: but however this may be, it is certain that this begowny* mode has, since the introduction of the new system, been considered as more specially applicable to that part thereof which consists of khara or salt-batty ground under shelowtr or serrotore tenure.

Begowny rates peculiarly applicable to its assessment;

Thirteenth. How much this mode of assessment is less favourable to Government than the ardhul, or half, will appear from the following comparative view.

and comparative view of their result contrasted with demp valuation.

The khara, or salt-batty ground, will produce:

First sort	14 parahs	Government share	4 parahs.
Second ditto	12	Ditto	3
Third ditto	10	Ditto	2
Fourth ditto	8	Ditto	1
	44		10

thus yielding a proportion of less than one-fourth of the gross produce to Government.

General effect of the inaccuracies in the measurements throughout the island.

Fourteenth. Upon the whole, and notwithstanding that measurements had been made by the officers of the Marhatta Government of the greater part of the island, there is reason to believe that the exact number of begahs in each occupant's possession is not precisely ascertained; at the same time that if, in a few instances, the operation of this degree of uncertainty may prove adverse to some individuals, there is very little doubt that the great majority are favoured, by holding more land than is acknowledged.

Particulars of the land, and produce, and money assessment, in the district of Bandorah.

Fifteenth. This will be strikingly exemplified in the measurement of Bandorah, which is stated to have been ordered in clause second of the present section. That kusba or township had, inclusive of its sixteen packaries, or dependent hamlets, and their territory, been previously assessed in a proportion answering to no more than about three hundred and twenty-two begahs, two quarters, and ten and a quarter sticks, of chowka or white rice cultivation; besides which a concealed surplus was now discovered, equal to five hundred and ninety-five begahs, two quarters, four ponds, sixteen and a quarter sticks; of which the moiety was, on this occasion, exempted from revenue, at the solicitation of the inhabitants, in view to what they pleaded to be the peculiarly heavy charges of agriculture in their part of the island; the remaining old and new ascertained produce being, after this large concession, subjected to the following assessment, which is inserted thus much in detail, as generally elucidatory, with the preceding part of this section, of the principles for the administration of the revenue and collections throughout the island.

1st. The ancient number of begas, *viz.* 322 begas, 2 quarters, 10¼ sticks, being each rated at 13 paras, the former estimated moiety and payable toka, according to the principles of assessment explained in Clause

Third

* Begowny (i. e. by the bega or begah), in contradistinction to demp, which now implies so much in the gross; although originally ascertained in view also to the local extent, as set forth in the course of the present section.

	Morahs.	Paras.	Adowlies.		Rs.	Q.	R.
Third of this Section, gives a result of	167	17	16¼				
The double or gross produce of which is	335	10	13½				
The present third of which is	111	20	4½	At 20 Rs. per Morah	2,236	0	72
The newly discovered number of begas, *viz.* 595 begas, 2 quarters, 4 ponds, 16¼ sticks, rated at 6½ paras (which is equivalent to the exemption of the one-half thereof from the established rate of taxation), gives a result of	154	21	1½				
The double or gross produce of which is	309	17	3				
The present third of which is	103	5	14¾	At ditto	2,064	2	28

	Rs.	Q.	R.
Total of the chowka, or white batty rental	4,300	3	0
2d. Khara, or salt batty rental, being all of serotore tenure, 26 begas, 1 quarter, 1 pond, 5 sticks, at 2 paras per bega, make — 2 begas, 2 qrs. 12½ ponds. At 16 rupees per morah	33	2	72

	Begas.	Qrs.	Ponds.	Sticks.	Begas.	Qrs.	Ponds.	Sticks.				
3d. Cocoanut orts, local extent	...	...	...	...	105	0	0	19				
Deductions, *viz.* ground occupied by wells	2	0	2	3¼								
Ditto, ditto by gardens and other houses	7	3	3	16								
Ditto, ditto by hollows	0	0	0	13								
Ditto, ditto by roads	0	0	4	19½								
Ditto, ditto by oarts belonging to the Portuguese church	6	1	1	12½								
Uncultivable ground	5	0	0	11½								
					21	2	3	16¼				
					83	1	2	2¼				
Deduct 25 per cent. as soot,h, or general allowance, as usual in the assessment of oarts					16	2	2	13¾				
Remains					66	2	4	9				
Deduct, for the exempted periods of unexpired leases					11	2	4	9				
					55	0	0	0				
At 12 rupees the bega*									660	0	0	
4th. Darmar cocoa-nut trees, being those growing in ground within the Coorumbees' compounds, at one quarter of a rupee each									119	0	0	
5th. Brab trees, at half a rupee each for those growing in the vallies, and a quarter of a rupee for those on the hills									737	1	0	
6th. Mot,hurfa, or tax on trades and artizans, at the rates specified in Section XXXVIII.									546	2	0	
7th. Angdena, or tax on the fishermen, at the rates specified in Section XXXVIII.									4,995	0	0	
8th. Grazing farm									695	0	0	
Total revenue from Bandora,									12,087	0	72	

Sixteenth.

* Vide Clause seventh of Section XL, for the cause of an increase in this branch of the revenue in Bandora.

Sixteenth. The following is the result of the Bandora settlement on the chowka or white batty part thereof:

	Begahs.	Quarters.	Ponds.	Sticks.		Morahs.	Paras.	Adowlies.	Value taken at twenty Rupees the Morah. Rupees. Qr. Rs.
Old assessment...	322	2	0	10¼	at 26 paras per begah	335	10	13½ ...	6,708 2 16
New ditto	595	2	4	16¼	at 26 .....ditto ...	619	9	6¼ ...	12,387 1 80
Total	918	1	0	6½	.....	954	19	19¾ ...	19,095 3 96
Actual payment ...	918	1	0	6½	.....	215	0	18¾ ...	4,300 3 0
Remains the property of the cultivators						739	19	1 ...	14,795 0 96

which turns out Rupees 4, 2 quarters, 73½ reas, or in batty, 5 paras, 17 adowlies and a small fraction, per bega of revenue payable to Government; and shews, that for every rupee paid to the state on the chowka or white batty cultivation, these occupants or proprietors of the soil retain above four; and if their rice produce be valued at thirty instead of twenty rupees the morah, which is not a high medium valuation, the real reserved value to these inhabitants will exceed the rate of six and a half for every one they account for to Government.

Rateable proportions between the revenue and produce in Bandora.

Seventeenth. From these premises it must be obvious that the district of Bandora is most lightly assessed: besides which it possesses peculiar advantages, arising out of its close proximity to the island of Bombay and its maritime situation; which last enables the inhabitants to carry on a considerable coasting trade with Malabar and the northern ports, whilst, aided by the former circumstance, their grounds have through industry become remarkably productive, being, as soon as the batty crop is cut, applied to the growth of vegetables for the consumption of the presidency, for which description of culture several of them exclusively reserve their lands throughout the year.

The prosperous state of that part of the island.

Eighteenth. At the same time, the extended new tax on the trees (adverted to in Section XXVI. and which is stated in Section XXXVI. to have partly given rise to the aforestated scrutiny into the resources of Bandora) was given up throughout the island, by a Resolution of Government, under date the 3d of August 1801, as being found unpalatable to the inhabitants, and also difficult to impose with equality, owing to the scattered and secluded situations in which they in many instances grew.

Relinquishment of the proposed tax on mangoe, tamarind, and other trees.

Nineteenth. To guard against the improper felling of trees, it had been usual that none should be cut down without a permissory note from the Collector; which precaution being discontinued, in view to the introduction of the new system, it was found necessary to recur to it, to prevent the cutting down by one Coorumbee of the trees belonging to another, in which Government expressed its acquiescence on the 7th of August 1801, leaving it at the same time to the jurisdiction of the Adawlut to cause justice to be done against all such undue violations of private property.

Precautionary restriction on the felling of private trees.

XXXVII. *First.* On the like condition as specified in Clause first, Section XXXVI. (*i.e.* of bringing into cultivation waste lands to the amount assessed

to

to the mot,hurfa), the Collector was authorized, under date the 26th of April 1800 and 1st of May 1801, to exempt from their respective quotas thereof (Sections XV. and XXX) such of the village carpenters, artizans, and others, who were willing to accept of this modification of the tax in question, as consisting of the following rates.

Modification of the mot,hurfa, and particulars of that assessment.

The following are the annual rates of the mot,hurfa:

		Rs.	Qrs.	R.
1st Class.	Rice-sellers and sweetmeat-sellers	3	2	0
2d Class.	Iron-smiths	3	1	0
3d Class.	Carpenters, pot-makers, tanners and cotton cleaners, barbers and sawyers, fish-sellers in the buzars and in the creeks and inlets, who are not taxed to the angdenah	3	0	0
4th Class.	Stone-cutters	2	3	0
5th Class.	Goldsmiths, taylors, coopers, borahs or pedlars, bricklayers, borood or mat-makers, and bhoees, or palanqueen-bearers	2	2	0
6th Class.	Weavers, perfumers, fraush, washermen, shepherds and goatherds, dyers and dealers in piece goods, milk-sellers, bangle-sellers, butchers, and turners	2	0	0
7th Class.	Sellers of parched grains, oilmakers, sellers of beetle-nut and beetle-leaves	1	3	0
8th Class.	Green-grocers, ghautwal porters, and women who are dealers in the sale of fish	1	0	0

Second. As an annexation to this general head, the dookanwary, or shop-tax, originally instituted in the time of the Portuguese, as per Clause third, Section VI, was continued throughout the time of the Marhattas and our Government, there being a general Banian, or shop-keeper, in most of the villages, who paid a considerable annual rate to Government for the exclusive privilege of his sales. There were thus (exclusive of the capital of Tannah, the shops in which were only subject to the i,hunda-putty, which yielded two hundred and seventy-eight and a half rupees per annum), seventy-one banyan shops, that paid three thousand eight hundred and ninety-nine rupees, and fifty-three oil shops that paid one thousand two hundred and ninety-one rupees and a quarter, making together five thousand one hundred and ninety rupees and one quarter.

Amount of the shop-tax a subdivision of the mot,hurfa.

XXXVIII. Under the same date, the Collector reported, that " amongst " the various and most wealthy inhabitants of Salsette was a class known " under the general denomination of Coolies, to whose labour in agriculture " the state owed little or nothing. They are composed nearly in equal " numbers of Hindoos and of Roman Catholic Christians, and principally " support themselves by the extensive and productive fisheries which sur- " round the island. It had been the usual custom to collect their quota of " the contribution by a variety of taxes, to the full number of twelve; be- " sides which they had, under the Marhatta Government, been assessed " with a custom-house duty, in the proportion of eighteen and a half per " cent. on the export of their fish, which rate had, since the introduction of

Case of the Coolies or fishermen.

"the English Government, been reduced to two and a half;" the Collector thereon proposing that, in lieu of the other twelve personal taxes, they should be respectively rated to the revenue by a body-tax or angdena, at the rate of five rupees for men, and of three, two, and one and a half rupees for boys serving in the fisheries; which rates were, by the resolution of Government of the 31st of May 1799, confirmed as to the men, but with an exemption of the rate proposed to attach on the boys, and the said fishermen were at the same time relieved from the operation of a privilege attached to the station of the late chief of Salsette, by which he was the exclusive purchaser of fish-maw and shark-fins, which articles the fishermen were thenceforth freely to dispose of at the best market. The angdena tax on the adult fishermen (understanding by this term those that go out to sea for this purpose) was reduced, on the 26th of April 1800, from five to four rupees and a half per man by the year; and it was, by a resolution of Government of the 1st of May, left to such of them as preferred it to commute the same into an equivalent cultivation of waste land, as provided in Clause first, Section XXXVII, for the mot,hurfa; requiring that for each rupee to be paid the cultivation should extend to three paras and fifteen adowlies of gross product, on the principles of the new system (*i. e.* reckoning one-third of the gross batty or rice produce to be the right of Government), but it was reported by the Collector, on the 18th of June 1801, that very few of those liable to mot-,hurfa or of the fishermen had availed themselves of the privilege thus extended.

Collector's proposal for regulating their taxes.

Angdena or body-tax imposed on them.

accompanied with the proclaimed freedom of their trade in fish-maws and shark-fins.

Angdena tax commutable by the cultivation of waste land.

XXXIX. *First.* It appearing that there still existed an objectionable source of revenue derived from a tax paid by certain individuals in the different villages as an annexation to the mot,hurfa for (as specified in Clause second, Section XXXVII.) the exclusive privilege of vending commodities of ordinary use and consumption to the inhabitants, this obnoxious species of monopoly was, on the 26th of April 1800, ordered to stand abolished; as was also the head of vun-charroy, or tax on the grazing of cattle, adverted to in Section IX, although this last-mentioned article has had renewed operation in a part of the island, as hereafter noticed.

Particular description of shop-tax abolished,

and that on the grazing of cattle.

Second. The operation of the above-mentioned order for the abolition of the dookanwary, or shop-tax, has unintendedly by Government been extended to the i'hunda-putty, adverted to in Clause fifth, Section XXX, thereby producing altogether a loss in the revenue to Government to the amount of rupees five thousand four hundred and sixty-eight and three-quarters.

Abolition of the i,hunda-putty.

XL. *First.* The manner in which, under the Marhatta Government, the oarts, or cocoa-nut orchards, on the island of Salsette appeared to have been taxed, was stated by Mr. Rivett Carnac, in a supplemental report from that gentleman, under date the 23d of April 1800, to have been as follows.

Rate of rent on oarts in Salsette.

Second. By assessing them at the rate of fifteen rupees per bega, making at the same time deductions from the amount for dead or unproductive trees, at the rate of nearly one-quarter of a rupee per tree. But on an erro-

neous

neous estimate that the oarts were capable of yielding that full rate without deduction, the original gross rent was partly in 1792-3, and again in 1798-9, established in its greatest extent and without abatement, whereas a reasonable reduction in the rent per bega ought to have accompanied this modification; in lieu of which it was, on the above occasion, proposed by Mr. Rivett Carnac to reduce the rate to twelve rupees per bega, inclusive of the brab trees (which in other spots form a distinct source of revenue) comprized within the same limits, a modification which, leaving the rental still higher than the proprietors could afford to pay as a net permanent assessment, without regard to the productive or unproductive trees, led to the undermentioned fuller ascertainment of circumstances affecting this description of produce.

Third. It appears by a report from the Collector, under date the 9th of August 1802, that in assessing the oarts, the Marhatta administration in Salsette had observed the practice of taxing them at seventeen and fifteen rupees per bega, from which they deducted twenty-five per cent. for the ground occupied by wells, tanks, houses, and unproductive spots; whilst, according to other authorities, this fourth proportion was, under the denomination of soot,h, deducted not from the gross, but the net extent of the oart, after ascertaining and setting apart all the unproductive proportions thereof, from the several causes above enumerated.

Fourth. In view to these circumstances, the following rules were, under date the 2d of January 1807, prescribed to the Collector for his guidance in respect to the oart assessment.

Fifth. Those that were rated by the Marhatta Government at the gross amount of seventeen rupees per bega, to be now assessed at the rate of ten rupees per bega, without further plea or deduction in the whole measured extent, however occupied.

Sixth. Those that were rated by the Marhatta Government at the gross amount of fifteen rupees, to be now assessed at the rate of eight rupees and an half per bega on the whole measured extent, however occupied.

Seventh. The rates in the two preceding sections having been extended over the island, the cocoa-nut oarts of Bandora yield in consequence Rupees 869 3 60, instead of the amount in Clause fifteenth, Section XXXVI. The exemption of its church-lands remains however unaffected.

Sale of certain oarts and gardens on a quit-rent.

Eighth. Some oarts having devolved to the Company in the tuppehs or divisions of Mallar and of Daravie, as well as certain baghat or gardens, these descriptions of tenure were, on the 1st of May 1801, ordered to be sold, subject to a fixed quit-rent in perpetuity, as accordingly took place on the 15th of July following, the rent on the gardens being fixed at two and a half rupees, and on the oarts at twelve rupees per bega, which rate, in the latter, was to become payable from the expiration of five years, in consideration to the very unproductive state into which they had fallen; but since the regulation in Clauses fifth and sixth, the rates therein specified have had operation on the oarts in question, the gardens continuing rated as before.

Commutation of the Government's share of the grain product into a money-rent.

XLI. On the 25th of March 1800, the general body of cultivators desiring to discontinue the annual money valuation on their payable grain toka, as usually

usually regulated according to the ordinary market prices of each season, applied to be allowed to commute the Government's share of their rice-grounds into a money payment, at the rate of twenty rupees per morah for the white, and a proportionate rate for the black batty (rice in the husk); the Government's general acquiescence in the principles of which arrangement was expressed on the 1st of May 1801, with the proviso, that for the reason already communicated to the Court of Directors, as noticed in Section XXXI, this fixed rate of commutation of the respective toka or demp rentals into money payments should remain invariable for only the next ten years, and continue liable to like future decennial valuations, reserving to the cultivators (henceforward to be the full proprietors of their respective tenures), to deliver at all times the fixed numbers of morahs of paddy instead of money, in the event of their deeming it to be in any year overvalued.

Subject to future decennial valuation of the grain, the proportions of which are at the same time declared to be fixed for ever,

with the reserved option to the Coorumbee proprietors to account at all times with Government, either in money or in grain.

Public notice by the Collector of the intention to grant deeds of property,

XLII. Under date the 18th of July 1801, the Collector reported his having given the most public notice of the rates thus fixed for the receipt in money of the batty revenues for ten years, transmitting at the same time drafts of the deeds of property to be interchanged with all possessors of batty-ground paying revenue or quit-rent, and a list of those occupants of the soil to whom these deeds should be applicable, to the number altogether of ten thousand four hundred and sixty-nine, of whom thirty-six were distinguished as immediately desirous of availing themselves of the grants in question.

and

XLIII. The form of these deeds having been approved by Government, were, under date the 7th of August 1801, returned to the Collector, with correspondent versions into the Portuguese and Marhatta languages, and copies of the undermentioned proclamation were to be separately disseminated by the Judge and Collector, under date the 10th of the same month, for the general information of the inhabitants.

Proclamation by Government to these proposed deeds.

" PROCLAMATION.—*First.* The Governor in Council is pleased to make " known, for the particular information of the inhabitants of Salsette, that " in pursuance of his determination, communicated to them on the 12th of " June last, to ameliorate their situations, by rendering t hem perpetual " proprietors of the soil they now occupy, under a very moderate and fixed " rent payable to the Government, formal grants of the property in question " will be issued through the Collector, under the seal of the Company and " signature of the Secretary to Government, to such present occupants of " the soil on Salsette as may be desirous, and shall, in consequence, make " application to the Collector on the spot, or to the Government at Bombay, " to obtain them.

" *Second.* The deeds of property above alluded to will, for the greater " convenience and better understanding of the inhabitants to whom they " may be issued, be printed in separate columns of English, Portuguese, " and Marhatta, or Guzerattee.

" *Third.*—Each deed will contain the following stipulations, *viz.*

" 1st. A fixed and permanent proprietary right in the soil, with liberty " of selling, mortgaging, and bequeathing to the full extent of former " notifications, and subject only to a fixed revenue payable to Govern- " ment.

" 2dly. The revenue payable to Government will be fixed agreeably to " the late demp* settlement, and the amount will be specified in each deed. " The grain assessment (constituting the criterion of the amount of revenue " derivable to Government from each landholder) to be paid either in money " or kind, and in such proportions of either as may best suit the conve- " nience of the inhabitants. If any part or the whole be paid in money, it " will, from Margser (October) to the end of the next ten years, be received " at the following rates:

" For white batty, at the rate of twenty rupees per morah.

" For black ditto,.....ditto.....sixteen ditto.

" 3dly. The amount of grain assessment specified in each deed of property " will be considered invariable to the present possessors and their posterity, " and is never to be changed or enhanced, whatever may be the quantity, " description, or value of the produce of the soil, the increase or augmen- " tation of the value of which will therefore be the unincumbered reward of " the industry and good management of each proprietor.

" 4thly. The Governor in Council trusts that terms so well calculated to " promote the interests and happiness of the inhabitants of Salsette will be " received with satisfaction by all those who are the objects of the benefits " they are intended to produce, and that the good effects of these salutary " regulations will soon be manifest, in a progressive addition to the wealth " and prosperity of that island, which has long been and must ever continue " an object of his especial care and attention.

" By order of the Honourable the Governor in Council,

(Signed) " ROBERT RICKARDS,

" Secretary to Government."

" Bombay Castle, 10th August 1801."

XLIV. *First.* The following is the form of the deed of property referred to in the preceding proclamation, as taken from the draft of one in the district of Bandorah. Form of the deed of property.

" The Honourable the Governor in Council of Bombay doth grant in " perpetual and full property unto A. B., his certain heirs, executors, admi- " nistrators, and assigns, a spot of batty fields, measuring together one and " three-quarters of a bega, two ponds, three and a quarter sticks, near to the " village of Bandarvarah, situated in the district of Bandorah, within the " limits hereupon endorsed, and rated to produce annually, in conformity to " the understated schedule, founded on the ancient usage and computation, " one morah, seven parahs, nine adowlies, and two seers of batty, on the " following terms, *viz.*

" That the said A. B. shall pay in kind to the Collector, or other public " officer appointed by Government, ten parahs, sixteen adowlies, and three " seers of batty, being the computed one-third of the above-rated gross pro- " duce of the soil, between the first of the month of Margser, answering to " October, and the middle of the month of Phagoon, or March; which pay- " ment in kind, or such part thereof as may be optionally tendered by the " said A. B., the Honourable the Governor in Council has been pleased to

* The term demp (whence dempjara already explained) imports, when used singly, that part of the agricultural produce applicable to the Government rental.

" order to be received, or in lieu thereof cash for the whole or any part of " such stipulated rent, according as the proprietor may prefer; these " money payments being, in such case, to stand commuted, for and during " the full term of ten years next ensuing, at the following rates.

" Twenty rupees per morah for white batty, and sixteen rupees per morah " for black ditto; and these payments in cash to be made good, either in one, " or two, or at most three equal instalments, within the period above " specified.

" The Governor in Council reserves to himself, and to all future Govern- " ments, to rate and fix anew, at the expiration of the said decennial period, " the commuted value that shall, in the current money of that time, as well " as at the end of every successive decennial period, be deemed equal to " the above-mentioned permanently stipulated produce; when, in the event " of the said A. B., his heirs, executors, administrators, or assigns, objecting " to such new valuation, it shall be optional with the Government for the " time being to exact the fixed rent as heretofore in kind, for the due and " effectual discharge of which, either in grain or in cash, the said lands are, " together with all other property, real and personal of the proprietor, to be " held strictly and fully responsible to Government, which may, for this pur- " pose, sequester and bring to sale, in the first instance, the lands in ques- " tion, and have recourse at the same time, or thereafter, on the goods and " chattels of the defaulter.

" With the view of giving due encouragement to the improvement of " agriculture in all its branches, it is herein further agreed by the Governor " in Council, that the above stipulated payment of batty in kind shall not " restrict the said A. B., his heirs, executors, administrators, or assigns, " to the sole cultivation of batty, but that the said A. B., his heirs, " executors, administrators, or assigns, shall be allowed, and are hereby " declared at liberty to convert the said ground, or such part or parts " thereof as he or they may think fit, to the cultivation of any other species " of produce whatsoever; provided that the said A. B., his heirs, executors, " administrators, or assigns, do pay, at the period above-stated, the quantity " of batty thus determined as the rent of the said soil, or in lieu thereof " such sum or sums in cash as is or are hereby, or may hereafter be decen- " nially settled.

" And it is hereby further agreed, that as long as the said A. B., his " heirs, executors, administrators, or assigns, faithfully abide by and con- " form to the foregoing stipulations, the said A. B., his heirs, executors, " administrators, or assigns, are vested with full power of selling, mortgag- " ing, granting, or bequeathing the said spot of batty ground, like other " property, subject to the several payments and conditions herein con- " tained.

" Given under the seal of the Company and the signature of the Secre- " tary to Government, by order of the Governor in Council, this ..... " day of ....., in the year one thousand eight hundred and .....

(Signed) " C. D., Secretary."

Schedule

" *Schedule referred to in the Body of the Deed.*

" Paccadys or Hamilets.	Lpots.	Measurement.			Produce.				Government's Share.			
		Begahs.	Ponds.	Sticks.	Morahs.	Parahs.	Adowlies.	Seers.	Morahs.	Parahs.	Adowlies.	Seers.
" In Bandarwarah.....	Chicampat.....	0	12¾	4	0	11	6	2	0	3	15	2
" Dandacawry.....	Cowlsette.....	0	6	2½	0	5	7	0	0	1	15	3
" Ditto.....	Bandarsett.....	0	12½	0¼	0	11	2	2	0	3	14	1
" Ditto.....	Vanahencaratt.....	0	2	2	0	1	16	2	0	0	12	1
" Pally.....	Banolah.....	0	3¼	0½	0	2	17	0	0	0	12	0
		1¾	2	3¼	1	7	9	2	0	10	16	3

Second. In as far as the produce in the second column of the above-stated schedule is less in proportion to the measurement in the first column than as indicated to be the general medium in Clause third, Section XXXV, such difference is obviously referrible to the varying quality of soil; besides which, the native officers of the collectorship appear to have, for the greater convenience of calculation, struck a medium upon the old and newly discovered ground in Bandorah, from an estate in which the preceding schedule is already mentioned to have been taken, whereby each bega of both stands assessed to Government at five parahs, sixteen and two-thirds adowlies, being a fraction of an adowly less than the true result, as shewn in Clause sixteenth, Section XXXVI, which is however so inconsiderable as to occasion a diminution of less than twenty rupees in the whole rental of that district, as exhibited in the clause last cited.

Remarks as to the preceding schedule for ground in Bandora.

Third. In the other parts of Salsette, the schedules in the deeds of property have hitherto been prepared by reference to the former demp, without specification of the measurement, the mode of ascertaining the reduced payable revenue from which stands fully explained in Sections XXIII. and XXXVI.

As to those in the other parts of Salsette.

XLV. *First.* On the occasion of promulgating the deeds of property, it was observed to the Collector, under date the 7th of August 1801, that Government hoped the public and diffusive knowledge which would be thereby disseminated of the benefits intended to be conferred on the inhabitants of Salsette, would excite in them a greater desire than they had hitherto appeared to be impressed with, to avail themselves of the advantages thus intended to be conveyed, by transferring to them an eligible and permanent provision for themselves and posterity, without being longer subject to annual ascertainments of the value of the soil they cultivate, which it would now rest with themselves to render as much more productive as their means and industry might gradually extend to, without fearing any addition to the quit-rent now to be established and for ever fixed.

Expectations announced from this grant of property in the lands.

Second. The Court of Directors having been advised of the farther progress thus made by establishing a permanent settlement of the lands, vesting the present occupiers with the exclusive right therein in perpetuity, were pleased to signify, under date the 28th of August 1804, their confirmation thereof, as being in conformity to the principles they had sanctioned for the administration of the revenues under their other presidencies.

And confirmation of the system by the Court of Directors.

Third.

Circumstances under which few deeds of property have been taken out.

Third. How favourable soever these deeds of property were esteemed in prospect, insomuch as to have occasioned the immediate application for sixty-nine of them, as noticed in Section XLII, yet, from several causes, only four have been actually taken out, the natives being under the less inducement to apply for them, or to pay the fee of five rupees which had, since the 30th of September 1806, been established on each, that they have continued undisturbedly in possession of all the advantages derivable from them: whilst, on the other hand, they have had in object to obtain a modification of them, by rendering the present decennial valuation of perpetual batty-rental as permanent as is become that revenue in kind; besides that several of the Roman Catholic proprietors in the district of Bandorah appear to be desirous of introducing into their deeds a clause fixing the succession to their estates in the male line, without allowing a full legal participation to their daughters, unless where there may be no sons to inherit: added to all which, not a few of the Coorumbees remain attached to the antient practice of their forefathers, and are apprehensive of binding themselves to a specific revenue by positive engagements, where, from circumstances of season joined to their own limited means, they might prove unable to withstand such casual disadvantages.

Additional engagements to which British subjects holding landed estates in Salsette are to be subject, with respect to the adawlut jurisdiction.

XLVI. It appearing that some of the purchasers of the grounds noticed in Clause eighth, Section XL, were natural-born British subjects, the Collector was instructed, on the 7th of August 1801, to require of them to enter into similar engagements with those which had been contracted by Mr. Helenus Scott and Mr. Luke Ashburner, on the occasion of their being constituted landholders, binding them, in pursuance of instructions from the Supreme Government, under date the 27th January 1797, to submit, to the extent specified in Section X, Regulation III. 1799, to the local civil judicature.

Origin and progress of the acquisition of landed tenures by the British subjects;

XLVII. *First.* The plantations undertaken by British subjects in the island of Salsette began as early as the year 1793, when Captain James Dunlop, Captain Robert Crawfurd, and Mr. J. Pringle were allowed by Government to enter, with a view to the raising of the sugar-cane, on the cultivation of certain grounds, since known under the name of the Bhandoop estate, and of which they afterwards disposed to Mr. Ashburner and others, the present proprietors.

Second. In the year 1794, Mr. Helenus Scott entered on a similar undertaking at Powey.

Third. On the 23d of January 1795, Government informed the parties in question, that the President in Council would grant them a lease of ninety-nine years, renewable on paying a certain fine for the ground, on condition that for the first five years they should have the said grounds rent-free, and for the second five years to pay an annual rent of half the tokah of that period on good batty ground, and after the expiration of ten years to pay for the remainder of the lease an annual rent of the full tokah on good batty ground per bega; which terms appearing to have been accepted by those gentlemen's letters, recorded on the Consultations, under date the 27th and 30th of the same month, and 13th of February following, application wasmade to the Government-General for its sanction to complete the same, after causing

and

causing such indemnification as might be required to be paid to any of the Coorumbees whose lands or trees should appear to have been comprehended within the limits of either of the said grants; suggesting, at the same time, that should any or all of the gentlemen in question prefer to have their grants made, and their tenures secured to them, on the same footing of the third of the two shares of the tokah rent that had been proposed by Mr. Rivett Carnac for the native cultivators, the Bombay Government recommended also that medium of settlement to the Governor-General in Council.

Correspondence with the Government-General on that subject.

Fourth. The Government-General signified their sanction, under date the 27th of January 1797, to the Bombay Government's confirming and completing the leases alluded to, in either of the two modes that had been thus suggested.

XLVIII. *First.* A formal grant was accordingly made to Mr. Helenus Scott, on the 30th of August 1799, vesting him with hereditary property in certain spots or parcels of ground situated within the limits of the villages of Ponwy or Powey, Teerandauz or Trinidade, Compe, Pospowley and Chandowley, included in the districts of Marole, and of Coorlem and Moelly in that of Trombay, with the temporary exception in respect to such spots of Serotore tenures as might be therein, till he could satisfy and buy out the present incumbents, and subject to the same rate of permanent quit-rent as obtained with respect to the new system in general.

Grant to Mr. Helenus Scott at Ponwy or Powey, &c.

Second. In consideration to the great labour and expense bestowed by Mr. Scott in the cultivation of the grounds thus conveyed and made over to him, the Honourable Company relinquished all claims on the brab or other trees growing within the aforesaid limits.

Third. The lands in question rendered subject to be sold, with the tenements and buildings thereon erected, for failure in the regular payment of the quit-rent.

Premises liable to sale for quit-rent.

Fourth. On the 22d of August 1806, a supplemental grant was, on like terms, made to Mr. Scott, of such part of the village of Teerandauz as had not been included in the above-mentioned grant, together with the village of Sankey, at a fixed rent, under the recorded proviso, that no rights of any resident Coorumbees were to be thereby injured.

Farther grant to Mr. Scott of the residency part of Teerandauz, and of the village of Sankey.

XLIX. A like grant of property was, on a similarly fixed rental, passed under date the 7th of September 1803, to Mr. Luke Ashburner, for certain spots and parcels of ground situated within the limits of the villages of Bhandoop, Navoor, and Canjurem, in the district of Marole.

Similar hereditary grant to Mr. Luke Ashburner of the villages of Bhandoop, &c.

L. *First.* The Court of Directors having, by their commands of the 28th of August 1800, desired to be kept advised of the progress of the new system in Salsette, it was reported by Mr. Simpson, the Collector, under date the 8th of April 1801, that its introduction had evidently been attended with many conveniences and real benefits to the landholders and cultivators, by the abolition of the many petty taxes they so long complained of, and by the toka of their grounds being fixed on a fair and equitable footing, both for themselves and Government, under which arrangement every person might on application obtain a deed of property for the land in his occupancy; that by conveying an hereditary right must stimulate the owner to improve it to the utmost extent, knowing exactly the amount due to Government, and

Collector's report on the progress and effects of the new system.

what would remain for the support of himself and family: a state of certainty that must be satisfactory to the Coorumbees, and such as, when known on the continent, might induce new settlers to come over. The adoption of this system, in another point of view, had tended greatly to expedite the recoverance of the revenues. The balances outstanding for the two years it had been in force, 1798-9 and 1799-1800, bore a very small proportion to the actual collections, and arose (as the Collector observed) from causes unavoidable, such as persons dying insolvent or clandestinely leaving the island, and must, to a certain degree, be expected and allowed for, as losses of this description will occur, and are (the Collector observes) irremediable; adding, that the large accumulated balances of former years, of which there was not, he remarked, a probability of recovering any part, constitute convincing proofs of the necessity that existed for an alteration in the former system, for the purpose of relieving the Ryots without the revenue suffering, and that the new mode proposed by Mr. Carnac had fully accomplished every purpose intended. The grievous taxes had been given up, and an augmentation in 1799-1800 had accrued to the revenue, of rupees fourteen thousand nine hundred and eighty-seven, one quarter and seventy-three reas, by the sale of arrack and tobacco on the island being leased out to farmers.

Statement of the collections and balances for the two first years after the introducion of the new system.

Second. The following is a statement of the collections and balances for the two first years after the introducion of the new system, as above-noticed by the Collector.

Jummabundy for the year 1798-9.	Morahs. Paras. Ads.	Rs. Q. R.	Jumma or Rental.	Amount realized.	Balance.
White batty	4,690 7 5				
at 20 Rs. per morah		93,805 3 20			
Black batty.....	374 17 10				
at 16 Rs. per morah		5,995 1 96			
Total morahs...	5,465 0 4	99,801 1 16			
Money revenues.....		101,935 2 41	Rs. Q. R.	Rs. Q. R.	Rs. Q. R.
			201,736 3 57	200,038 2 57	1,698 1 0
Jummabundy for the year 1799-1800.	Morahs. Paras. Ads.	Rs. Q. R.			
White batty	4,655 1 $9\frac{3}{4}$				
at 20 Rs. per morah		93,101 0 76			
Black batty.....	366 7 $47\frac{1}{2}$				
at 16 Rs. per morah		5,860 2 50			
Total.....	5,021 8 $14\frac{1}{4}$	98,901 3 26			
Money revenues		116,863 0 14			
			215,824 3 40	213,818 2 21	2,706 1 19

Particulars of the money rental for the first year of the new system, or 1798-9.

Third. The nature of the land or batty rental has been sufficiently explained in Section XXXVI, and the following are the particulars of the money revenue for the first of these two years.

Detailed

Detailed Statement of the Negdy, or Money-rental, in Salsette, for the year 1798-9.

	Rs.	Q.	R.
1. Produce of gardens belonging to Government	194	1	25
2. Rents of others, let out	323	3	8
3. Brab-tree rent	21,551	3	0
4. Mot,hurfa	9,032	1	35
5. Cocoa-nut oarts belonging to the Company	266	0	90
6. Private cocoa-nut oarts	5,765	1	28
7. Petty arrack shops	770	0	25
8. Farm of cazoo or cashoo-nut trees	21	0	0
9. Farm of stone quarries	235	2	6
10. Farm of salt-pans belonging to Government	325	0	0
11. Tax levied on private salt-pan sat one-eighth of the produce	649	2	66
12. Farm of poonavem flowers	240	0	0
13. Farm of hay	238	2	0
14. Farm of date-trees	206	3	4
15. Arrack farm	20,504	1	54
16. Tobacco farm	23,025	0	0
17. Farm of duty on jangars	1,687	0	0
18. Coolery or angdenah	16,405	0	0
19. Farm of grazing cattle	347	0	0
20. Farm of duty on cutting wood	150	0	0
Rupees ...	1,01,935	2	41

Report of the progress of the new system up to 1801,

LI. The Court of Directors were, on the 22d of December 1801, advised of the progress made in the new system for Salsette, attended, as was observed, with many conveniences and benefits to the inhabitants of the island. " Oppressive taxes had been abolished, the toka of the ground fixed " on a fair and equitable footing, and a more certain profit secured to the " cultivators as the ultimate, but necessary reward of their labour; the col- " lection of the revenue being also facilitated, its annual amount considera- " bly increased, and the business of the department so much simplified as " no longer to require the former number of native servants, in which part " of the establishments reductions had in consequence taken place, to the " annual amount of four thousand five hundred and ninety-four rupees.

and with concurrent reductions in the establishments.

Causeway between Salsette and Bombay,

LII. In promotion of the object of improving the territory of Salsette, that island was, in the period between May 1798 and April 1803, connected by a causeway across the channel at Sion, the expense of which it was proposed to defray by a toll that was accordingly established on it, and farmed out till the 7th of July 1804, when its exaction was discontinued, as found materially counteractive of the more important objects that had led to the original undertaking.

and abolition of the custom-house duties between the said islands.

LIII. Ever since the Honourable Company's acquisition of Salsette in the year 1774, its exports to and imports from Bombay had been subject to custom-house duties, till, in consideration to the general inexpediency of such a burthensome

burthensome distinction, with reference to two districts dependent on the same Government and so closely vicinal, those duties were, on the 10th of October 1803, ordered to be abolished; but the Custom-master at Bombay, from not duly adverting to the requisition for their abolition, continued his collections under this head till the 13th of June 1805, when the attention of Government being again attracted to the subject, under the pressure of the severe general scarcity which so extensively prevailed at that period, care was taken to give the order full operation.

Abolition of the vuncharoy or grazing farm at Bandorah and Coorleh.

LIV. *First.* The proceedings on the above-mentioned occasion leading to the consideration of the operation of the farm for vuncharoy, or pasturage, being one of the old taxes ordered to be reserved, as noticed in Clause fifth, Section XXX, it was found to consist in a toll collected at the rate of half a rupee on every unhired bullock, he or she buffaloes, or horse, and of twenty-eight reas (of which four hundred make a rupee) on every hired bullock, &c. sent across from Bombay to graze, in the divisions of Bandorah and Coorleh; restrictions which, appearing to militate against the spirit of the system for the establishment of a free intercourse between the islands, it was ordered on the 12th July 1805 to be abolished, as were, at the same time, two farms in the similarly reserved department of Vun Mukta, or for cutting wood, the one at Toolsy in the district of Mullar, and the other at Veavoor in that of Tannah; of the former of which the following are the details.

The farms of Vun Mukta or of wood felling and the preparation of charcoal.

Second. All persons cutting ondah, or fire-wood, for sale, to pay a duty of two rupees and a half per thousand.

Third. Firewood brought in carts for sale to pay fifty reas per each cart.

Fourth. Tatta sticks brought from the hills for sale to pay a duty of eight reas for each bundle.

Fifth. Bamboos,..... ditto ..... ditto.

Sixth. Charcoal brought from the hills for sale to pay a duty of twelve reas for each load.

Seventh. Fire-wood brought from the hills for sale to pay a duty of two reas for the quantity on each person's head.

Eighth. Every large bundle of crooked timber brought from the hills for sale to pay twelve reas for each.

Ninth. Fire-wood brought for sale upon the backs of asses to pay a duty of twenty-four reas per each load.

Tenth. No duty to be collected from the inhabitants who may bring fire-wood, tattas, bamboos, &c. from the jungle for their private use.

Eleventh. No ondah, or branches, to be lopped from khyree trees by the farmer, or any body else, without the permission of the Collector.

Twelfth. No large timber to be felled of the description of teak-wood, black-wood, or khyree, by the farmer or any other person, without the permission of the Collector, and any man or woman therein detected to be fined fifty rupees.

Thirteenth. No duty to be collected from the proprietors of serrotore trees felling their own, and carrying the same for sale to Bombay.

Fourteenth. The conditions of the other farm, for cutting wood and making charcoal within the limits of Veavoor in the district of Tannah, were to the like purport; and both being deemed more burthensome on general

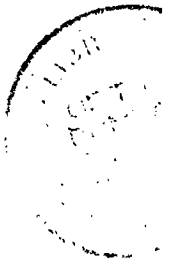
industry

industry than was likely to be compensated by the small revenue they produced, they were, as above-mentioned, ordered to be discontinued from the date already specified.

LV. *First.* In concurrence with the expectation that the construction of the causeway must lead to agricultural speculations in the island of Salsette among the wealthier inhabitants of Bombay, an agreement was concluded, on the 1st of July 1806, between the Governor in Council and Ardeshere Dady, constituting him proprietor of the khuzbeh, or township, and district of Mallar, and of the villages of Cunnery, Arrem or Arren, Dunseer, Magatton, Toolsey, and Exar, on the same terms, as to the proportionate rate of the payable revenue, and with respect to the security of permanent tenure, as in the cases of the estates of Powey and Bhandoop, already adverted to; combined with the further express condition of his maintaining the several Coorumbees in the enjoyment of their respective spots of cultivation, in pursuance of the stipulations on which they had (as hereafter set forth) respectively acquiesced in his becoming their landholder, and leaving to him to make the most of the waste and unoccupied ground within his estate, and to raise thereon such articles of produce as he may prefer, as well as within the cultivated parts already in the occupancy of the Coorumbees, provided that this last-mentioned description of cultivation be carried on with the good-will of those occupants, whose rights and privileges are to be at all times preserved, in conformity to the afore-mentioned conditions of their acquiescence in the property being thus vested; for the fuller security of which rights and privileges attested copies of the several writings of the Patels, Mattaras, and Coorumbees, should, besides remaining on record at the presidency, continue with the Judge and Magistrate and the Collector, to the end that, in case of their preferring complaints of Ardeshere or his heirs' infringing in the premises, the most ready means of redress may, by referring to those deeds, be secured to the parties.

Grant to Ardeshere Dady of the township of Mallar with several other villages.

General conditions of this grant from Government.



Second. It was, at the same time, expressed to be expected of Ardeshere Dady, the grantee, that he would exert his best endeavours to bring into the earliest state of cultivation the waste-land of these villages or divisions, setting thereby an example to the other landholders and tenants for the promotion of the public, in concurrence with their own advantage; as likewise that the said Ardeshere and his heirs would ever consider as a primary duty to attend to the comfort and welfare of the Coorumbees, and to the increased population of the lands thus vested in him and his family, in such manner as that others might, by observing the success of his exertions, be stimulated to similar undertakings, to the general amelioration of the island.

Attention to the Coorumbees enjoined as a primary duty, and

Third. The stipulations from the Ryots were as under, beginning with those of the township of Mallar as the principal.

conditions on which they consented to Ardeshere's obtaining the grant.

Fourth. " We, the Patells, Mattaras, and Ryots (another term for Coo-
" rumbees) of the township of Mallar, represent that, as you are about to
" give up our aforesaid township to Ardeshere Dadee Seht Parsee, and
" desiring to know in consequence if we consent thereto or not, we therefore
" beg leave to state our case particularly, in view to the maintenance of our
" rules and customs conformabiy to established practice.

Conditions by the Coorumbees of Mallar.

" 1st. That

" 1st. That the third portion of our assessed lands, and the value of our " paddy (unhusked rice) being twenty rupees per morah, as fixed by the " Company, shall be continued during the period of the settlement made by " Government; and thereafter according to such arrangement as may take " place for Salsette in general, without any one's having power to disturb " us in the grounds assessed to the rental, and Ardeshere regulating his " conduct in times of public calamity according to the general local practice " in such cases.

" 2d. The produce of all bhatee and laukee* portions of our assessable " lands, on which there may be grass and different grains or trees, to " be continued to us in like manner as we have all along enjoyed the " same.

" 3d. All common forest timber and unproductive brab-trees belonging to " Government to be allowed us for house-building, as usual.

" 4th. Fire-wood from the forest, bamboo, purye, bondee, tatties, beleea- " koorgyia, implements of husbandry, and at wedding times Government's " mangoe or other trees, to be allowed as usual.

" 5th. The products of our fujunee trees planted by ourselves on either " sircaree or nelowtree† grounds, to be continued to be enjoyed by us as " usual; and if we wish to sell or dispose of those trees, we are to be allowed " to do soaccording to uniform practice.

" 6th. The lands for grazing our cattle to be continued as usual.

" 7th. Our Patells, Mattaras, and temples, are to receive what is fixed " for their support, in land or brab-trees and official dues, whether " settled or occasional; together with every other observance, as allowed " and sanctioned by Government, from the villages, inclusive of their interior " management.

" 8th. The produce of the village tanks to be continued to us, as " usual.

" 9th. Jungle-grass, brought for manuring our fields, to be allowed as " usual; also cadjans from the inferior kind of brab-trees, at the close of the " fair season, for fences and enclosures, according to custom.

" 10th. The Government grounds applicable to the rental, but unproduc- " tive from being occupied by houses and hamlets, are to be continued, " as included in the Government's demp-jara or statement of assessable " lands.

" 11th. Upon Government's procuring for us a settlement in conformity " to the preceding articles, we consent to the same, to which effect we must " have an authoritative agreement."

Arem. *Fifth.* The first article of the stipulations of the Coorumbees of Arem‡ corresponds

* Bhatee, high ground, producing hay and various small grains, as distinguished from laukee, which are rice-grounds: the small grains alluded to are till, or oil-seed, and oorid, assur, nagley, and wuray, &c.

† Fujunee trees and land import those that are personal or private property, in contradistinction to those that are sircaree, a general term for what belongs to Government. Nelowtree, a term of the same import as fujunee or fazenee, whence fazendar, applied in Bombay and on Salsette also, as far as regards the cocoanut-oarts, to indicate their proprietors.

‡ The proper Gentoo name of this village is Areh, but as written by the Portuguese, Arem. The English have adopted their spelling, whence this corrupt enunciation of it; as in several other instances of names with similar termination, such as Coorlem for Coorleh, &c.

corresponds with the first of the preceding, inserting "annually" after "continued," and omitting from "regulating his conduct" to the end of that article inclusive.

The second is verbatim with the second article of the preceding.

The third ditto with the third article of the preceding, only adding teak-wood after "brab," making it "brab and teakwood-trees."

The fourth ditto with the fourth article of the preceding, omitting "Boondee."

The fifth, no difference whatever.

The sixth corresponds, with this addition, that no due is to be levied on cattle annually coming over from Bombay to graze, as exempted by Government.

The seventh corresponds with the seventh article of the preceding, omitting from "together with" to the end of the article.

The eighth is verbatim the same as the ninth article in the preceding.

The ninth corresponds with the eleventh article of the preceding.

Sixth. The conditions of the Coorumbees of Dynseer are substantially to the like purport as the preceding from Mallar, with some difference in the order of arrangement in the articles: an observation which applies, more or less, to each of these separate heads of stipulation. Dynseer.

The Coorumbees of Dynseer omit from "Bamboo Puryee, &c. &c." to "mangoe trees," in the fourth article; also, "and if we wish to fell, &c." to the conclusion of "the fifth article."

The eighth article of the Dynseer stipulations is to the same purport as the seventh of those of Mallar.

The ninth article of Dynseer corresponds with the eighth of Mallar, adding only the word "rivulets" to "tanks."

With the preceding alterations, the cultivators of Dynseer have the following additional articles.

"3d. That the rice, straw, and other articles, the produce of our fields, "which we sell, and as to which the Company have no controul, shall be "equally exempted from his (Ardeshere's) authority, and we are to be at "liberty to dispose of the same to any merchant we choose."

The eleventh article of Dynseer is to the same effect as the tenth of Mallar.

Seventh. The instances wherein the conditions of the inhabitants of Magatton differ from those of Mallar are as under: Magatton.

They omit the latter part of the first article, commencing from "and "thereafter, &c."

The second article of the Mallar stipulations is entirely omitted in the list of those by the inhabitants of Magatton.

In lieu of the fourth and the ninth articles of the conditions of the Mallar Coorumbees, those of Magatton stipulate generally, in their tenth, for the use of unproductive brab-trees belonging to Government, common forest timber, firewood for domestic consumption, and brab-tree cadjans for fences.

The part of the fifth article omitted by the Coorumbees of Dynseer is likewise left out by those of Magatton.

The

The inhabitants of Magatton stipulate for the condition of the seventh article of Mallar, in the like general terms as those of Dynseer.

The inhabitants of Magatton omit the second, sixth, eighth, and tenth articles of those of Mallar, inserting, however, the following additional ones:

"3d. The Patells are to continue to receive their official dues from the "Koolvees (another term for Coorumbees or Ryots) of the villages, accord- "ing to custom in all cases.

"4th. The observances relative to common grounds, either for grazing- "houses or court-yards, to be continued as hitherto.

"6th. The rule with regard to the trees planted on our assessable lands, "such as mangoe, coriander, tamarind, &c. trees, to be continued.

"7th. The trees planted on our private ground, and that which is waste "belonging to the Company, to be made use of by us as usual.

"8th. Indigent cultivators to be assisted with advances in cash and seed, "in like manner as by Government.

"9th. The revenues payable to the Collectors, whether in coin or kind, "shall be received by three instalments, as settled by Government.

"11th. In the event of calamity and a want of rain, by which a failure "may take place in the crop, deductions to be made, according to the "practice of the island."

Toolsee. *Eighth.* The terms of the inhabitants of Toolsee in the first, second, third, and fourth articles, are precisely to the same effect as those of the inhabitants of Mallar, under the like numbers.

To the fourth article they add the provision as to "indigent cultivators "being also assisted by advances in cash and seed."

The inhabitants of Toolsee omit that part of the ninth article which is left out by the cultivators of Dynseer; stipulating, however, in common with the latter, for the produce of their rivulets as well as tanks.

The three following articles are substituted by the cultivators of Toolsee for the tenth of those of the Coorumbees of Mallar.

"10th. No obstruction to be offered to the annual operations of dongur "dully, or hill-culture by clearing the jungle, paying the established rate of "dully-tax, being one rupee, as taken by Government; nor are the cucum- "bers, water-melons, or other vegetables or fruits reared thereon, to be sub- "ject to any let or controul.

"11th. The exemption extended by Government in favour of the milk- "men of this village, in respect to the products of the buffaloe-dairy, to "remain in full force.

"12th. No obstruction to be offered to our sale of billet-wood, puryee, "bamboo, and tatties, brought from the jungles."

Exar and Cunnery. *Ninth.* The inhabitants of Exar and Cunnery sign to one paper, and their terms are very different, in the order of arrangement, from any of the preceding.

The first article is directed to the same objects as the like number in the stipulations of the Coorumbees of Mallar, but concise and in general terms.

The second article corresponds with the seventh of the stipulations of the Coorumbees of Mallar, with the modification adopted by those of Dynseer.

The

The third article, being new, will be inserted hereafter.

The fourth is precisely the same as the eighth of the Mallar conditions, with the addition inserted by the Coorumbees of Magatton and Toolsee.

The eighth article agrees with the fifth of the Mallar stipulation, omitting the last clause, and defining the trees adverted to in it to be the tamarind; at least no other kind is specified.

The ninth article corresponds with the sixth of the conditions of Magatton; the tenth and eleventh articles embrace the same objects as the seventh of the conditions by the Coorumbees of Magatton.

The twelfth and thirteenth articles are the same as the eighth and thirteenth of the terms prescribed by the cultivators of Magatton.

The fourteenth is to the like effect as the third of stipulations by the inhabitants of Mallar, with the addition of trees to burn at wedding times.

The fifteenth corresponds with the ninth of the conditions prescribed by the cultivators of Magatton.

The following articles are peculiar to the set of conditions signed by the inhabitants of Exar and Cunnery.

" The dues leviable from the Ryots of the village, and from the basket " and mat-makers, to be continued as usual.

" 5th. The dues from the fishermen and from the dealers in dried fish to " be continued as usual.

" 6th. The Patell and Mattaras to continue to receive, as usual, their due " in shoes from the shoemakers of the village.

" 7th. The ground attached to the village, and rendered inapplicable to " the demp, or assessment, in consequence of being built upon and con- " verted into court-yards, or laid out for pasturage, is to be continued " as usual.

" 16th. The Patells and Mattaras are to continue to take cognizance of " all village disputes, as usual."

Rule as to the transfer of grounds from one Coorumbee to another.

LVIII. *First.* The Collector having represented, on the 15th of May 1807, that balances of revenue were sometimes unavoidably occasioned by the cultivators being disabled, through sickness or other misfortunes, from cultivating their lands themselves, or from hiring labourers for that purpose, for the rent of the waste land thus occasioned, the Coorumbees in that predicament had nevertheless been, since the introduction of the existing system, held responsible; the Collector proposed, that so much of the former custom should be reverted to, as admitted of assigning over to the more substantial Coorumbees such spots of arable land as any of the more indigent might desire to relinquish.

and as to tukavy or assistance from Government to carry on the cultivation.

Second. It was accordingly ordered by Government, under date the 5th of June 1807, that the Collector should seasonably ascertain which of these Coorumbees were inclined to dispense with the cultivation of any part of the ground in his or their respective occupancies, to the end that the same might be transferred to the charge of those who were able and willing to raise a crop thereon, and to pay therefrom the assessed proportion of the public revenue.

Third. As an exception from the rule in Clause second, it was however provided, that where the decayed Coorumbees might be enabled, and become

desirous, to carry on such cultivation, on being assisted by an advance of tukavy, or pecuniary aid, from Government, not exceeding one quarter of the annual rental payable to the Company, the Collector was in such case to propose and submit the amount of the same to Government, on the usual conditions, taking care that the ensuing crop should be held responsible for the return of the principal and interest; the rate of the last of which was, in no case, to exceed eight per cent. per annum.

Rules of interest on tukavy.

Practice of making general grants to individuals for bringing waste lands into cultivation.

LIX. *First.* For the purpose of bringing into cultivation the waste lands on the island of Salsette, it has, ever since the year 1783, been customary to accept of proposals from individuals to undertake the cultivation of particular spots, upon condition of being, in consideration to the expense they must incur, exempted from the payment of revenue for sixteen, fifteen, twelve, ten, eight, seven, six, five, four, three, and two years, or even one, according to the nature of the soil to be broken up, or embankments and other improvements to be effected.

Second. Of such grants, to the number of about a hundred and fifty, have been passed, and those of the earlier years are now in the payment of their assessed rental, whilst of others the period of exemption has not yet expired; but all are making progress, six instances excepted, where the ground has been thrown back on Government.

Rules of assessment in this new cultivation.

Third. The chowka or white batty part of this new cultivation is assessed according to the reduced demp system; and the khara or salt batty grounds thus brought into a state of tillage, is so in conformity to the begowny or begah rates, adverted to in Clause thirteenth, Section XXXVI.

Fourth. Khara cultivation, of the description in Clause third, is classed under the head of shelowtr or serrotore.

Description of the six petty farms of stone-quarries, &c.

LX. *First.* Notwithstanding the introduction of the new system, it has been shewn, in Clause fifth, Section XXX, and in Clause third, Section L, that certain sources of revenue, distinct from the demp-jara, or grain settlement, were deemed available and fit to be continued; of which the six following were reduced into as many petty farms:

Stone-quarries,
A subdivision of the levies on hay,
Salt-pans,
Hay farm,
Poonavem flowers,
Date trees.

Particulars: Stone-quarries.

Second. The farmer of the stone-quarries was entitled to collect twenty-four reas on each grinding or hand mill-stone, one rupee per hundred on paving stones, four reas each on stones used for grinding curry-stuff, and half a rupee each on stones used by copper-smiths for beating out their metal.

Jangars, consisting of a duty on the sale of private hay and straw exported to Bombay.

Third. The farmer of the duty on jangars was authorized to collect on large jangars of two boats, nine, and on small ditto, seven rupees, on each, proceeding with a loading of straw or hay sold by the Coorumbees to merchants for export to Bombay.

Salt-pans.

Fourth. The rules obtaining in the farm of the salt-pans appertaining to Government authorized the farmer to divide the produce equally between himself

himself and the salt-workers, it being also incumbent on the said farmer to keep the embankments in repair at his own charge.

Fifth. The hay-farmer was allowed to cut and gather it from the hills and waste grounds, or other spots appertaining to Government; subject also to the aforesaid jangar duty, in the event of his exporting it to Bombay. Hay farm from the Government's grounds.

Sixth. The privileges conceded to the Poonavem farmer entitled him to engross the purchase of the woondee flowers from the Coorumbees, at the rate of one and a half rupee per maund of Bombay, to which it was chiefly exported. Poonavem.

Seventh. The privilege of the date-farmer consisted in the permission of drawing the liquor produced by that description of trees, which flourish principally in the tuppehs or districts of Gorabunder and Daravie. Date-tree.

LXI. *First.* The revenue derived from the six petty farms enumerated in the preceding section, not exceeding altogether three thousand four hundred rupees, Government availed itself, on the 28th of August 1807, of the approaching termination of the period of their being farmed, to direct that there should be no renewal thereof; leaving thereon to future consideration, how far to continue to realize, through the officers of Government, any or all of the funds comprehended under these leases, all which expired on the 30th of September last. Abolition of the several farms in question, and remarks as to the future disposition of these sources of revenue.

Second. To this reserved consideration the jangar revenue cannot be applicable, as being in the nature of a custom-house duty; such as will appear under Section LIII. to have been abolished, for the reasons therein noticed. Final abolition of the jangar duty;

Third. The hay growing on the hills and upon Government grounds will, however, continue to be applicable to the public resources, as well as the duty on the date tree; but the article of poonavem is, in view to the like consideration as respects the jangar duty, to be altogether relinquished. and of that on the Poonavem.

LXII. The farming out of the exclusive privilege of selling tobacco, as noticed under Sections XXVI. and XXXIV. having been complained of as burthensome, in that mode, to the Coorumbees, Government has availed itself of the expiration of the last lease, to place this branch of the public resources under the agency of the Collector, who has established a certain number of shops, to supply the natives with this article of undebased quality, and at the unenhanced price of five rupees per maund. Abolition of the tobacco farms; and modification of that branch of the revenue.

LXIII. *First.* The liquor farm having been also the occasion of remonstrance on the part of the Coorumbees, as serving them with produce of low quality, and lying open to several other alleged abuses on the part of the Contractor, has likewise been allowed to expire from the end of September last; in lieu of which, the Abkary system has, in pursuance of the orders of Government, under date the 28th of August 1807, been ordered to be introduced under the agency of the Collector, as required by instructions from the Honourable the Court of Directors, under date the 28th of August 1804, in view to the system established in this respect in the Bengal provinces. Abolition of the liquor farm; and institution of the Abkary system.

Second. Under date the 6th of December 1807, the Collector reported that the Abkary system, instead of the liquor farm, had been established on the island, since which some alterations have ensued therein; but the principle

ciple will be adhered to, as much as local circumstances may be found to admit.

Restrictions on the takoor and varelly-tribes, in respect to the felling of useful timber or bamboos,

LXIV. *First.* There are two casts of natives abiding chiefly in the hills in Salsette, known under the appellation of *Takoor* and *Varelly*, who cultivate the natchenee and other small grains on the sides of the hills, in the manner known under the already-noticed denomination of donger-dully; a privilege which, as they were found to abuse by felling timber-trees of value, being also public property, for the preparation of charcoal, the Collector found it necessary to prohibit this abuse, by his order of the 19th of August 1805,

or entering on hill cultivation without authority,

requiring that no such cultivation should be undertaken without his previous permission, which would, it was added, never be refused, under proper precautions against undue waste of the larger and more valuable trees or young bamboos, whilst with respect to the underwood no obstruction would be put to its removal.

Second. This prohibition as to the felling of wood and bamboos by the casts of Takoor and Varelly was repeated, particularly as to the larger and more valuable timber on the hills; with the view more efficaciously to guard against which, the Collector ordered, at the same time, the Patells and Mattaras not to allow the people in question to prosecute the dully cultivation without his special permission to be previously obtained for each instance;

and requesting those casts to take up their abode in the villages on the plains.

as likewise, that these classes of people should be removed from the mountainous and woody recesses, and obliged to reside in the villages, since to their resorting from the opposite continent (as has occurred during the few last years in far greater numbers than had hitherto been usual), and lurking in those secluded parts of the island, is to be, in no small degree, ascribed the more recent prevalence of robberies and breaches of the peace.

Fiscal progress and result of the grain-rental, from 1794-5 to 1806-7.

LXV. *First.* The preceding are the principal rules that have been passed for the administration of the revenue of the island: what remains is to intimate their fiscal results.

Second. In Section XXXVI, it has been shewn, that the effective grain-rental to Government amounted, in 1794-5, to no more than six thousand and seventy-five morahs, composed of the following particulars, for that and the three following years preceding the introduction of the new system.

(1794-5.)

Demp-jara, or grain-rental, from 1794-5 to 1797-8.

	Morahs.	Parahs.	Adowlies.
Chowka, or white batty, including the demp or fixed part thereof, with the deshmooky, or ten per cent. that had been abstracted therefrom towards the allowances of the British chief or Collector, according to the former system; and also the bapties or cesses (Section XXIII.) and the ardhul, or that which pays more or less in proportion to the harvests	5,464	21	10½
Khara, or black batty	353	8	13½
Aggregate of white and black batty applicable to the revenue	5,818	5	4
Add: the amount of assignments for the Patells' and Mattaras' allowances, taken chiefly from the chowka part of the cultivation	275	7	6¼
Total of available public funds	6,075	12	10¼

	Morahs.	Parahs.	Adowlies.	
(1795-6.)				
Chowka, as above	5,485	2	3	Demp-jara, or grain rental, from 1794-5 to 1797-8.
Khara ..... ditto	412	8	$8\frac{3}{4}$	
Patells' and Mattaras' allowances	257	9	$11\frac{1}{4}$	
Total	6,155	20	3	
(1796-7.)				
Chowka, as above	5,550	16	9	
Khara ..... ditto	638	12	$9\frac{1}{2}$	
Patells' and Mattaras' allowances	257	9	$11\frac{1}{4}$	
Total	6,446	13	$9\frac{3}{4}$	
(1797-8.)				
Chowka, as above	5,427	18	$1\frac{1}{4}$	
Khara ..... ditto	280	4	$9\frac{3}{4}$	
Patells' and Mattaras' allowances	257	9	$11\frac{1}{4}$	
Total	5,965	7	$2\frac{1}{4}$	

Such variations being incident to a grain assessment, made partly up, as the present, of proportions of the produce, subject to the annual contingent variations of the crop.

Third. For the next year, being 1798-9, and the first of the new system, the available amount of the chowka demp, or the fixed part of the white batty rental, amounted, inclusive of the deshmooky, as in 1794-5, but without the ardhul or the babties (the latter being now abolished), to .... 6,367 15 6 — Grain rental for 1798-9, the first of the new system.

Add the allowances to the Patells and Mattaras, consisting chiefly of chowka, and now for the first time available to the Treasury, it being intended to pay the Patells, &c. in cash ... 257 9 $11\frac{1}{4}$

6,624 24 $17\frac{1}{4}$

The double or gross produce of which is ..... 13,249 24 $14\frac{1}{2}$

Whereof the third share due to Government is ..... 4,416 16 $11\frac{1}{2}$

Add: chowka ardhul for that part of the white batty cultivation yielding a variable moiety according to the crops. 273 15 $13\frac{1}{2}$

Results: the amount of white batty assessment for the year 1798-9, as already brought forward in Clause second, Section L. 4,690 7 5

Fourth. The following is a comparative statement of the chowka batty rental between the year 1797-8 and 1798-9: — Comparative view of the funds for the chowka revenue, at the end of the old and beginning of the new system.

(1797-8.)

White batty rental for the year 1797-8, inclusive of deshmooky, ardhul, and bapties, as per Clause second ..... 5,427 18 $1\frac{1}{4}$

From which deduct the amount of babties, or additional cesses, therein included 444 19 6

Remains of original demp, inclusive of that part of the chowka paying the ardhul or half of the crops ..... 4,982 23 $15\frac{1}{4}$

Carried over ... 4,982 23 $15\frac{1}{4}$

	Morahs.	Parahs.	Adowlies.
Brought over	4,982	23	15¼
Deduct also the amount of the ardhul or half-produce.....	228	22	4
Net demp in cultivation	4,754	1	11¼
To which is to be again added the above ardhul or half-produce, in order to compare the aggregate with that of the following year	228	22	4
Government's available grain rental, after deducting the babties	4,982	23	15¼

(1798-9.)

Amount of original demp brought this year to the credit of Government, inclusive of deshmooky, and of the former landed assignments for allowances to the Patells and Mattaras	6,624	24	17¼
From which deduct the allowances of the Patells and Mattaras, for the purpose of drawing a comparison with the year preceding	257	9	11¼
Remains of original demp	6,367	15	6
To which is added the ardhul or half-produce of the same year 1798-9	273	15	13¼
Results: the amount of chowka for the first year of the new system, as consisting of demp and ardhul	6,641	5	19¼
Deduct the amount of the same articles for the year 1797-8	4,982	23	15¼
Results: the amount of the difference in favour of Government, chiefly from the apparent resumptions on the principles of the new system, calculated on the basis of the former one, for the purpose of this comparative view	1,658	7	4

Component parts of the chowka rental for the first year of the new system.

Fifth. The third of the double of	6,624	24	47¼
of original demp, added to the	273	15	13¼

of chowka ardhul above stated, gives the reduced white batty part of the rental for the year 1798-9, as brought forward in Section L., at 4,690 7 5

of present payable demp, according to the modern tokah assessment.

Remark, with reference to the particulars of the accounts of the transition from the old to the new system.

Sixth. It is to be regretted that the full particulars of the accounts connected with this transition from the old to the new system had not been submitted in detail at the time, and placed on the records of Government. In a letter from the late Mr. Whitehill, during whose collectorship this important measure was carried into effect, he, under date the 24th of January 1799, apologizes for this omission, on plea of the great detail of revenue statements in the country language of which it would be necessary to make the translation: giving, at the same time, assurance that "the assessments "of the different lands had been carefully ascertained, upon the system "recommended by Mr. Rivett Carnac, and adopted by Government" (as described in Sections XXII. and XXIII.), "comformably to the accorded "demp-jara of the different villages:" notwithstanding which, every thing has

has not, on the present revision, been so easily traceable as might have been desirable; particularly on occasion of adverting to the source of the last deduced increase, derivable from the operation of the resumption suggested in Section XXIII, the particulars of which, with the bapties or additions to the original demp, where noticed by Mr. Rivett Carnac, as standing in 1794-5 as here-under specified.

1st. Abatements which he proposed to resume ..... 1,936 morahs.
2d. Babties or cesses which he proposed to abolish 453
3d. Effective resumption thus suggested 1,483

Seventh. This result of one thousand four hundred and eighty-three morahs is composed of the abatements granted in the Marhattas' and in our time, after deducting the babties or cesses respectively laid on the Portuguese original rental during the same periods, as will clearly appear from the following table.

Summary statement of the demp-jara from the time of the Portuguese, in concurrence with the preceding deductions.

STATEMENT *of the Demp-jara, or Grain Rental of Salsette, during the successive Governments of the Portuguese, Marhattas, and English, as deduced from the official Documents accompanying the Report from Mr. Rivett Carnac of the 25th June* 1796.

Portuguese Dempt or Grain Rental, viz.	Morahs.	Paras.	Adowlies.	Morahs.	Paras.	Adowlies.	Morahs.	Paras.	Adowlies.	Morahs.	Paras.	Adowlies.
In chowka or white batta	9,341	0	6½									
Khara or black ditto	736	3	19¼									
Total				10,077	4	6¼						
1st. *Deductions in the period of the Marhatta Government.*												
First. For what had become waste, from the date of the Marhattas' expulsion of the Portuguese in 1737 of the Christian æra:												
In chowka or white batty.....	1,139	13	12									
Khara or black ditto	14	21	2½									
				1,154	9	14½						
Results: the amount of demp in cultivation, in their first settlement of the lands after the conquest, as per Section XXIII.				8,922	19	11¼						
Secondly. Abatements which the Marhattas were obliged or induced to admit in the Portuguese demp remaining in cultivation during the thirty-seven years of their administration, *viz.*												
Of chowka or white batty	1,640	22	18¼									
Khara or black ditto	50	14	9									
				1,691	12	7¼						
Remains, effective rental from the former demp, up to the latest period of the Marhatta Government							7,231	7	4½			
Carried over							7,231	7	4½			

	Morahs.	Paras.	Adowlies.	Morahs.	Paras.	Adowlies.	Morahs.	Paras.	Adowlies.
Brought over				7,231	7	4½			
Thirdly. Add bapties or cesses in their time, *viz.*									
In chowka or white batty	227	12	4						
In khara or black ditto	5	23	14						
				233	10	18			
Results: the effective amount of the Marhatta grain rental at the period of their expulsion, agreeing (fractions excepted) with Section XXIII.							7,464	18	2½
2d. *Deductions in the period of the English Government, up to the year* 1794-5.									
First. For what had become waste in that time, *viz.*									
In chowka or white batty				977	18	1½			
In khara or black ditto				387	7	0½			
							1,365	0	2½
Results: the amount of demp in cultivation in the time of the English, up to the year 1794-5							6,099	18	0½
Secondly. Abatements allowed by the English within the same period, being all of chowka or white batty							244	7	14
Remains, effective rental from the former demp, up to the period last-mentioned							5,855	10	6
Thirdly. Add bapties or cesses within the same period, *viz.*									
In chowka or white batta				186	18	2			
Khara or black ditto				33	9	2			
							220	2	4
Results: the effective amount of the grain rental up to 1794-5, as noticed in Section XXIII, whilst under Section LXV. the further progress of the rental, up to the period of the introduction of the new system, stands already inserted							6,075	12	10½

Eighth. In general corroboration of the preceding deductions it may here be noticed, that the native or country accounts of the details of the revenue resumptions of former abatements on the introduction of the new system, state the amount thereof at one thousand six hundred and fifty-eight morahs, seven parahs, four and a quarter adowlies; from which deducting the four hundred and fifty-three morahs, thirteen parahs, two and a quarter adowlies, adverted to (exclusive of the fractional parts) under Clause sixth of the present section, the balanced amount of the resumptions will stand at one thousand two hundred and four morahs, nineteen parahs, and two adowlies, reckoned on the footing of the moiety or former demp assessment.

Progressive increase in the cultivation during the new system.

LXVI. *First.* From the institution of the new system till the end of the year 1806-7, the improvement or increase calculated on the Government's former full demp share of the gross produce, including white and black batty of every description, is as under:

(1798-9.)

	Mor.	Par.	Ad.
Chowka, including the full former proportion of demp, with the Ardhul for the first year of the new system	6,641	5	19½
Add, Patells' and Mattaras' allowances	257	9	11¼
	6,898	15	10¾
Khara for the year in question	374	17	19¼
General aggregate of funds	7,273	8	9¾

(1806-7.)

	Mor.	Par.	Ad.			
Chowka, being the demp part thereof, and Patells' allowances	7,134	6	13½			
Ditto, ardhul	117	22	10			
Total of available chowka for the last year of the new system	7,252	4	3½			
Khara for the year in question	484	1	16			
General aggregate of funds				7,736	5	19½
Increase of demp towards the available funds in eight years.				462	22	19¾
To which is to be added the alienations since the date of the new system:						
1st. Grant to Dadoba Antoba	20	0	0			
2d. Ditto to Gopaul Row	488	15	10¾			
3d. Alienated on account of the Sepoy invalids	80	3	9½			
				588	18	0¼
Effective increase to the revenue funds during the eight years of the new system, in the lands that were, at its introduction, applicable to the public rental				1,051	15	10
Second. Deduct the amount gained by turning the ardhul into bigowney in Murwa, &c. as per Clause fifth, Section XXXV; and that of the discovered lands in Bandorah, brought to account as per Clause fifteen of the same section; making both together				223	17	6
Add, for similar increase in the village of Chandney, in the division of Tannah, as ascertained from the native accounts				30	11	12½
Increase from interior arrangement				245	13	18½
Deduct for waste part of the above				25	3	3¼
Results; net increase, not proceeding from augmented tillage				229	10	15¼
Which being deducted from the result in Clause first, leaves the increase of revenue funds from augmentation of culture, during the period of the new system, at				822	4	15¼

General view of the result of all the preceding statements of the grain rental of Salsette.

Third. The effective grain rental, as above calculated, up to the end of April 1807, being eight thousand three hundred and twenty-four morahs, twenty-three parahs, nineteen and three-quarters adowlies, shews that the

country has become productive in our hands, beyond what it yielded to the Marhattas at the period of their expulsion, by the quantity of eight hundred and sixty morahs, five parahs, seventeen adowlies and a quarter. But as the former amount includes twelve hundred and four morahs, nineteen parahs, two adowlies (as per Clause eighth of the preceding section, not comprehended in the Marhatta rental, but included in their exemptions), that leaves us comparatively short of the extent of their cultivation in the

	Mor.	Par.	Ad.
amount of	344	13	4¾
To which add the above stated increase in our rental from interior arrangements	229	10	15¼
Results the comparative ultimate deficiency between our and the Marhatta cultivation	573	24	0

Fourth. In like manner, ours is still short of the quantity produced in the time of the Portuguese, by one thousand seven hundred and fifty-two morahs, five parahs, six and a half adowlies, to make up their ten thousand and seventy-seven morahs, four parahs, and six adowlies and a quarter (besides the comparative deficiency of two hundred and twenty-nine morahs, ten parahs, fifteen adowlies and one-fourth, resulting to us from local arrangements). If, indeed, their real grain rental was so productive, and without abatements, as to which its very sudden and extraordinary depression at the period of the Marhatta conquest, to so disproportionate an extent as one thousand one hundred and fifty-four morahs, nine parahs, fourteen and a half adowlies, as shewn in the statement in Clause seventh of the preceding section, may occasion some doubt, notwithstanding the tenor, in that respect, of the public accounts.

LXVII. *First.* Having thus generally traced the progress of the new system, there remains to be noticed what has passed concerning the reduction of interior charges, under the head of native officers.

Second. The previous establishment of Mattaras and the institution of Patells have been already adverted to in Sections V. and VIII, and the following clauses are explanatory of their functions.

Description of the duties of the native officers of the collections.

Third. The undermentioned duties are performed by the Patells, Mattaras, Choglas, Murvees, and Mockuddums.

Duty of Patells.

Patells.

1st. When the Carcoon is employed framing the dempjara, or ascertaining the accounts of and settling for the revenue of the village, it is the duty of a Patell to give him every information relating to the grounds and trees.

2d. If any person is inclined to cultivate waste batty ground, the Patell is to point out to him whatever quantity of ground he wishes to have, and on the Patell's report he is put in possession.

3d. If any disputes arise between the Coorumbees in the village about their trees or batty grounds, he is to endeavour to settle the same, or to report immediately the causes of dispute to the superior authority.

4th. When the batty is ripe, it is his duty to be a watch over the Coorumbees, that they do not conceal any batty, until the Sircar's tokah is fully paid.

5th.

5th. If any robberies or quarrels happen in the village, he is to report immediately to the Judge.

6th. It is his duty to be observant of the conduct of the Coorumbees, and to make them attend to their batty fields, and to excite such as are in this respect negligent.

Duty of Mattaras.

Mattaras.

Fourth. 1st. They are to bring the amount collection of the village to the Collector's office, and to take the receipt for the same.

2d. All reports or papers relating to the Sircar's (or Government's) business are to be carried by them to the Collector's office.

3d. If any Coorumbee has deserted, it is their duty to trace and to bring him before the Carcoon, to compel him to pay the Company's balance, if any is due.

Duty of Mockuddums.

Mockuddums.

Fifth. 1st. To attend and call together all the Bandâries (drawers and distillers of toddy) of his village, before the Carcoons, when they survey the brab trees.

2d. When the tax on brab trees becomes due, it is the duty of the Mockuddum to assemble all the Bandâries, and carry them before the Carcoon to make their payments.

Patrole.

3d. He also selects every night the Bandâries, who by turns are to watch and take care of the village, in order to prevent robberies.

Duty of Murvees.

Murvees

Sixth. 1st. When the collections are due, it is the duty of a Murvee to accompany the Peon and bring the Coorumbees of the villages and hamlets, in order that the recoverances may be easily made.

2d. At the time of the batty collection, a Murvee always attends during the measurement of the batty.

3d. The Murvee takes care of the hay belonging to the Sircar in the villages.

Duty of Khar Patells (Salt Batta Grounds).

Khar Patells

Seventh. 1st. Every springs, it is the duty of a Khar Patell to watch night and day upon the banks of the salt batty grounds belonging to the Sircar, and to report if the water has broken the embankments in any part.

2d. It is his business to look after the Coorumbees of the salt batty grounds, and to make them cultivate their lands at the proper period.

3d. In the rainy season, should the banks of the salt batty grounds belonging to the Honourable Company be broken or damaged, it is his duty to collect all the people of the village to repair the same without loss of time.

Duty of Salt-pan Patells.

Salt-pan Patells.

Eighth. 1st. In every springs, it is the duty of a Patell to watch night and day upon the banks of the salt-pans belonging to the Honourable Company and to take care of their salt.

Duty of Choghlas.

Choghlas.

Ninth. 1st. The Choghlas perform the duties amongst the Cooleries or fishermen, in the same way as the Mattaras are employed in the villages.

Former establishment of Patells and Mattaras, &c.

LXVII. *First.* Previous to the introduction, in the year 1799, of the new system into Salsette, there were entertained for its collections nine hundred and ninety-nine Patells and one hundred and thirty-three Mattaras, who were allowed, in deduction from the funds for the general rental, the following remuneration for their services, inclusive of a certain proportion, hereafter distinguished, for the support of Christian churches, and the mosques and temples of the Hindoos.

and allowance for the services of religion, forming a part of the antient deokherch.

	Rupees.	Q.	Rs.
1st. White batty, 299 morahs, 14 parahs, 6½ adowlies, at twenty rupees per morah	5,991	1	80
2d. Black ditto, 4 morahs, 21 parahs, 10 adowlies, at sixteen rupees per morah	77	3	4
3d. Exemptions of ghurputty and other taxes	2,525	0	99
4th. Ditto, in brab trees	1,107	1	0
5th. Body taxes and on fishing-nets, &c.	540	3	26
	10,242	2	9
Deduct that part of the above which is on account of churches and other places of worship*	1,926	0	2
	8,316	2	37

Second. The operation of the new system requiring that such of the classes of native officers, or occasions of expense above enumerated, as it might be necessary to continue, should be paid more directly by the Collector (the exemption in brab trees alone excepted), the following were the consequent allowances which have been continued to be drawn in kind, notwithstanding the original intention was that they should be paid in cash, as adverted to in Clause third, Section LXV.

	Rupees.	Q.	Rs.
1st. White batty, 297 morahs, 8 paras, 11½ adowlies, at twenty rupees per morah	5,946	3	40
2d. Black ditto, 8 morahs, 11 parahs, 10 adowlies, at sixteen rupees per morah	135	1	44
3d. Brab trees given up	1,212	0	0
4th. Allowances in money	833	3	90
	8,128	0	74
Deduct for churches and other places of worship, as before,	1,926	0	2
Remains for Patells and Mattaras	6,202	0	12
Being so much less than under the former establishment, as per first clause of the present section	2,114	2	52

* Christian churches, in white batty	507	2	40				
Ditto in money	16	2	0				
				524	0	40	
Hindoo temples, in white batty	717	3	12				
Ditto in money	493	1	50				
				1,211	0	62	
Mahometan mosques, in white batty	78	1	60	78	1	60	
							1,813 2 62
Add some other allowances, improperly incorporated with these stipends for religious uses							112 1 40
Aggregate, as above						Rupees	1,926 0 2

Third.

Third. The Collector submitted, on the 18th of July 1801, a list of the Patells and other local native officers whom he esteemed necessary to be retained, as per the following table.

Abstracts of seven districts.	Patells of Villages.	Patells of Salt batty ground.	Cooley Patells.	Murvees.	Muccadums.	Choghas.	Mattaras.	Total.	The annual amount, in lieu of all immunities, the Patells and other local officers now receive from the Sircar or Government.	
	No.	No.	No.	No.	No.	No.	No.	No.	Rs.	Q. R.
1st. Tannah ... district	47	19	2	37	16	6	7	134	1,110	2 0
2d. Marole ..... ditto	30	4		25	13		41	113	812	2 72
3d. Trombay ..... ditto	41		4	45	17		98	205	1,433	0 60
4th. Gorabunder. ditto	7			4	4		31	46	206	2 40
5th. Dharavee .... ditto	13	4	6	6	4		49	82	632	2 72
6th. Mallar ..... ditto	72		4	50	17	6	65	214	1,671	3 88
7th. Bandorah .... ditto	11			12	2		13	38	334	2 40
	221	27	16	179	73	12	304	832	6,202	0 72

Other amendments in the establishment, as proposed by the Collector.

Fourth. The Collector noticed, with reference to the preceding table, that after consulting with the best informed people on the island, he had reason to think the Patells, &c. therein enumerated, were indispensably necessary to carry on the several duties required in the judicial as well as revenue departments; especially as their functions were likely to be increased by the intended abolition of the Havildars (or native superintendents) of the seven tuppehs into which the island is divided, and their assistants; by which the Collector proposed to operate a net annual saving of Rupees 1,500, after allowing for the wages of two native officers, whom the Collector proposed to retain as general superintendents over the Carcoons, who are so, in their more subordinate departments, over the Patells and others included in the preceding table.

Abolition of the Havildars, and their assistants, in August 1803.

Fifth. The abolition of the office of Havildars and of their assistants was, on the 7th of August 1801, ordered to have effect from the beginning of the said month, whilst the two native superintendents over the Carcoons were allowed to be retained till farther orders.

Reference to the Judge and Magistrate and Collector, to submit an amended and reduced establishment of local native servants,

Sixth. And as these Carcoons, as well as the several Patells and other public servants included in the above stated table, had, since the introduction in 1799 of separate judicial and police authority, been considered as subject to the orders of that department as well as of the Collector, those officers (*viz.* the Judge and Magistrate and Collector) were directed, on the 7th of August 1801, carefully to revise these remaining establishments, and to make a joint report of what number of each they might consider essentially requisite to be retained, and at what expense.

and their consequent reports.

Seventh. A report was accordingly made by the Judge and Collector, under date the 25th of September 1801, stating that they had assembled all the Patells and other local officers belonging to the island, to ascertain how far, and in what manner, the expenses of the native establishments might be reduced; and as it appeared to them that a reduction could only be effected by the abolition of the Carcoons, they proceeded to examine the

General insufficiency of the Patells.

Patells separately, regarding their qualifications to carry on the duty of Carcoons in their respective villages; upon which forty Patells declared themselves incapable, the remaining number (seventy) alleging they were competent and willing to undertake the accounts of their villages, provided some additional allowance were made to the vereet or remuneration they already receive for their trouble; but notwithstanding their assertions, the Judge and Collector were disposed to believe, that the greater part of them would be found on trial inadequate to the undertaking, and that it would become necessary to have Carcoons employed again in many of the villages: meanwhile, the following reductions were pointed out as practicable.

Experimental abolition of Carcoons.

Additional allowance to the Patells doing the duty of Carcoons.

Eighth. From the establishment of Carcoons, fifty-three in number, the Judge and Collector proposed striking off thirty-six, and keeping seventeen only, at seven rupees per month, their present pay, for managing the accounts of the forty villages, where the Patells were avowedly incapable; by which anannual saving would accrue of ..... Rupees 2,824

from which amount the Judge and Collector recommended the allowances of fifteen rupees per annum to the Patells of twenty large villages, making rupees three hundred, and of twelve rupees per annum to those of fifty smaller ones, being rupees six hundred, to be assigned to the Patells who had agreed to perform the services of Carcoons besides their own duties, making altogether 900

leaving an annual saving of ..... Rupees 1,924

Sanction in Sept. 1801 to these farther economical arrangements.

Obstacles to the reduction or diminution of the allowances to the Patells.

which was, on the 27th September 1801, ordered to have immediate effect; the same Committee adding, that on inquiring minutely into the allowances made to the Patells and other local officers, they had found the same divided into such small proportions amongst their families, that they really did not admit of any diminution.

Religious charges not admitting of curtailment.

Ninth. The charitable allowances to the Roman Catholic churches, Hindoo temples, and Mahommedan mosques, had, the Committee remarked, been granted from time immemorial; and considering the number of these places of worship on the island, the share to each was too small to be objects of curtailment.

Establishment of Carcoons reduced, with provision in favour of such of the Patells who were competent to undertake the duties of the abolished office of Carcoons in their several villages.

Tenth. Upon consideration of this report from the Judge and Collector, it was, on the 23d of October, determined by Government, that the establishment of Carcoons be reduced from fifty-three to seventeen, to be retained at the rate of seven rupees per mensem each, for the management of the accounts of the forty villages, the Patells of which were reported incapable to carry on that duty in their respective districts; whilst the Patells, who had returned themselves competent and willing to undertake the duty of the abolished office of Carcoons in their several villages, being seventy in number, should be allowed for this additional trouble at the rate, for the twenty Patells who have charge of the larger districts, of fifteen rupees each per annum, and of twelve rupees per annum each to the fifty Patells, who have charge of the smaller villages; yielding thereby a saving in the establishment of the island of Salsette, of Rupees one thousand nine hundred and twenty-four per annum.

Continuance of the charitable allowances to the Catholic churches,

LXVIII. On the ground of the opinion of the Judge and Magistrate and Collector, Government consented to the continuance of the charitable allowances

allowances to the Catholic churches, Hindoo temples, and Mahommedan mosques. Hindoo temples, and Mahommedan mosques.

LXIX. *First.* Thus, by the establishment of 1801, there stood entertained fifty-three Carcoons, making, at seven rupees per month, an annual charge of ..... Rupees 4,452 0 0

Figured statement of the reform in the Carcoons' and Patells' establishment, from 1801 to 1807.

Of which number there were reduced, in pursuance of the Judge and Collector's recommendations, thirty-six Carcoons, making an annual saving of ..... Rupees 3,024 0 0

Out of which saving there was, by the same plan, to be paid the following additional allowances, *viz.*

To twenty Patells of the larger villages, at fifteen rupees per annum, the sum of Rupees 300 0 0

To fifty ditto of the smaller ditto, at twelve rupees per annum 600 0 0

900 0 0

Results: net saving, in pursuance of the scrutiny by the Judge and Collector 2,124 0 0

Remains establishment (including seventeen Carcoons retained for conducting the business of the forty villages for which the Patells have avowed their own incompetency) 2,328 0 0

Second. The Collector reported, on the 1st February 1802, that out of the seventy Patells above specified, who had been expected to be found competent, about twenty could neither read nor write; and being thence incapable of keeping public accounts, it became necessary to employ eleven more Carcoons, which made an additional annual charge to the amount of ..... Rupees 924 0 0

From which was, however, to be deducted the purposed additional allowance to the said incompetent Patells, *viz.*

To twelve, at fifteen rupees, and to eight at twelve rupees each 276 0 0

648 0 0

State of establishment up to 1802 ..... 2,976 0 0

In the year 1803-4 there were added two Carcoons, one of whom was a supernumerary, and the charge of both being at seven rupees per month 168 0 0

Deduct the surplus allowance which became available in respect to one of the officiating Patells of the larger villages 15 0 0

153 0 0

Establishment up to the year of account 1803-4 ..... 3,129 0 0

Carried over ... Rupees 3,129 0 0

Brought over ... Rupees			3,129	0 0
In the year 1804-5 a decrease of charge occurred in the amount of the surplus allowance made to the Patells of two villages assigned to Gopaul Row, *viz.* of one at fifteen, and the other at twelve			27	0 0
Establishment as it stood up to 1804-5			3,102	0 0
In the year 1806-7 a farther decrease of the smaller surplus allowance to seven Patells took place, in consequence of so many villages assigned on quit-rent to Ardashere Dady, making a saving of			84	0 0
			3,018	0 0
Final farther reduction in the year of account 1806-7, *viz.*				
Of one Carcoon belonging to the establishment of Ardashere's aforesaid villages, at seven rupees per month	84	0 0		
Nine more, on the principles of economical reform	756	0 0		
			840	0 0
Establishment of twenty Carcoons, inclusive of additional allowances for forty patelships as the same now stand ... Rupees			2,178	0 0

General remark as to the progress of the cultivation during the new system.

LXX. To the preceding details of the financial funds and adherent charges of the island of Salsette it may here be added, as supplemental to the state of the demp in cultivation up to the end of April 1807, as stated in Clause second, Section LXVI, at eight thousand three hundred and twenty-four morahs, twenty-three parahs, and nineteen and three-quarters adowlies; that during the present year of account, or since the beginning of May last, there has been an increase in the Coorumbees' part of the cultivation, of nearly two hundred morahs; at the same time that, upon the whole, this coorumbee part of the tillage does not appear to have been otherwise than stationary during the new system, what increase has taken place in the cultivation being chiefly in the estates granted to Europeans, by the conversion of ardhul into begowny, and under other special appropriations already adverted to in the course of the present Regulation.

Distinctions of white and black batty.

LXXI. Of the chowka, or white batty produced in this island there is a variety of distinctions, having more than a dozen specific denominations; and the khara, or black batty, has likewise three or four.

Rent on private salt-pans.

LXXII. The proportion of rent derivable from the salt-pans appertaining to Government is stated in Clause fourth, Section LX; whilst that on private salt-ponds is one-eighth of the produce.

Vegetable kingdom.

LXXIII. There are growing on the island of Salsette one hundred and seventy-two different species of trees and useful shrubs, used either as food, such as the mangoe, tamarind, and jack; or for distillation, such as the taur for brab and mowrah; or in medicine, such as the assanah, used as a febrifuge, and the vudd, bendy, bell, khurowta, shemutt, pullas abta, kinoy, and a large farther variety applicable to medical uses; others, such as the dewdar

dar or poon, used as masts for boats and small craft, and the already-mentioned poonavem flower, which yields a strong red dye.

LXXIV. *First.* The Indian hemp of Salsette, known under the country names of *San (Sun)*, *Taug*, and *Asunwak*, is considered to be the best on this side of India: it is a crotolaria, and supposed to be the same with the *San (Sun)* of Bengal, and has of late years become an article of export to Europe, where it is much valued for its strength and durability. Description of the San (*Sun*), or Indian hemp.

Second. It is sown in August, which is the middle of the rainy season, on high grounds, and sometimes even on the sides of very steep mountains. Those who raise it clear the grounds from large stones or jungle, and pass the plough slightly over it, or the branches of trees occasionally, sowing it also without ploughing or turning up the ground. It springs rapidly and soon destroys the grass and every weed. In general, no manure is used for this crop, but choice is made of such spots as had been employed for raising rice for transplantation, which spots are enriched by burning abundance of vegetable matter on them during the dry season, and the rice plants are removed in time for the crop of hemp. This crotolaria is however subject, chiefly on low grounds, to be attacked by grubs of different kinds, which destroy it with astonishing rapidity. It is fortunate, in such cases, that the rain never keeps long off, for it kills them; and without its aid not a single plant might be in a short time left alive. By the beginning or middle of November, the crotolaria has attained its full size, rising to the height of about eight feet: it is then pulled up by the roots, and after drying for a day or two it is made up into little bundles, in which state the cultivator frequently sells it.

Third. In order to prepare this hemp, the bundles of it are steeped in fresh water for about four or five days. If it be kept too long, the fibre rots; and if too short a time, it cannot easily be separated from the woody part. The length of time which is necessary is varied too by other circumstances: by its being stagnant or running water, by its depth in the water, &c. As soon as it is removed from the water, and while it is yet wet, women and children are employed who separate the fibre by the hand, when it is allowed to dry.

Fourth. It is remarkable that the cultivators do not raise the seed of the crotolaria for their own use, but procure it from distant parts in the Mahratta country or from the coast. The crotolaria, however, which is cultivated for seed, is not sowed till November, when the rains are over. Moist situations are then chosen for it. The stems are thicker than in the former instance, and give out many branches, so that although the plants never obtain to nearly the height as when sown in the rains, yet they produce more flowers and plenty of seed, which come to great perfection.

Fifth. Besides the crotolaria, the agave, or American aloe, is sometimes used at Bombay for ropes. It grows every where on Salsette, and might be raised and manufactured at a much smaller expense than the crotolaria. It is said to answer well for running rigging and some other purposes, and by a little encouragement the hemp of it might be procured here at a low rate in any quantity, and from ground scarcely fit for any other article. Notice as to the agave, or American aloe, as also applicable to maritime equipment.

Extent of Salsette in square miles.

Sixth. The island of Salsette has a superficial extent of about one hundred and seventy-one square miles, of which upwards of twelve are upon the spring tides overflowed by the sea; and at those stated periods the island is divided into seven parts, *viz.* into the division which may be denominated Salsette proper, and into those of Tromba, Joo, Versovah, Murwa, and Daravie. Fishing-boats may go up the Versovah Kharry, or inlet, as far as Callia-Dola Bunder, near to Mallar, and upon spring tides pass freely along the Dabachee-Kharry, through the island, from Manory to Boinder. The Austalle Kharry, near Daravie, flows about three miles into the island, admitting fishing-boats at high water to run up a little beyond the village of Morvy.

Water-courses as means of irrigation.

Seventh. Of the principal channels by which the torrents raised by the accumulation of water in the rainy season pass to the sea, two empty themselves on the western side of the island near to Versovah; three on the north of the island, discharging their waters near Boinder, Ghorabunder, and Chennie; two run into Tannah river, near to that capital of the island and to Gowan; and there is, besides these, one of considerable size which drains the vallies of Tolsey, Viar, Powy, and Marole, joining the Mahim channel at Sion Causeway. Besides which chief water-courses there are many other smaller ones, furnishing altogether streams that, for several months after the rains, might be rendered available to irrigation, by mounds, or dykes, placed at different points on their course.

Population, &c.

LXXV. *First.* By the latest accounts there are at present of inhabitants on Salsette forty-nine thousand five hundred and thirty, being two hundred and eighty-nine souls and a fraction to a square mile; or deducting the twelve square miles overflowed by the spring tides, above three hundred inhabitants to each of the remaining one hundred and fifty-nine square miles.

Carts, boats, and houses.

Second. Of cattle there are sixteen thousand nine hundred and ninety-five; of carts, four hundred and ninety-two; of boats, four hundred and thirty-one, none being included under the size of a fishing-boat; and of houses, eleven thousand three hundred and twenty-eight, cattle-sheds not included.

A. D. 1808. REGULATION II.

A REGULATION *comprehending such incidental and other Rules and Provisions, for the Administration of Justice, under the Presidency of Bombay, as have not hitherto been thus promulgated, inclusive of the legal Powers more explicitly vested, for that Purpose, in the Government of the Presidency aforesaid:*

PASSED *by the Governor in Council, on the 31st of March* 1808 *(corresponding with the 4th of Chyter Sood, Sumbut or Vekramajit Era,* 1864; *Salbahan,* 1730; *and the 3d of Suffeer,* 1223 *of the Hejry).*

Preamble.

I. HITHERTO the Regulations of this Government have been generally framed, as nearly comformable as local circumstances would admit, to those enacted by the Governor General in Council; with however this exception, (which

(which has equally obtained the Supreme Government's approbation), that whereas the Mahommedan law is alone applicable in Bengal to the decision of criminal trials, the Gentoo natives living under this presidency are allowed the benefit of the laws of their religion in all trials, of whatsoever description, wherein they are the defendants or accused parties. The right of the Government of this presidency to make Regulations stand inferred from, and briefly recognized by, the eleventh Section of the Act of George the Third, Chapter CXLII, passed on the 29th of July 1797, as already adverted to in the preamble to Regulation III, 1799; but is, for the purpose of removing all doubts, more formally conferred by the third Section of the forty-seventh of George the Third, Chapter LXVIII, enacting, on the 13th of August 1807, "that it shall and may be lawful to and for the Governor in "Council at Bombay aforesaid to frame Regulations from time to time for "the Provincial Courts and Councils within the territories and provinces "which now are, or shall at any time hereafter be (and while the same shall "so be) annexed to, or made subject to the said presidency, in like man-"ner, and subject to all the regulations, provisions, and confirmations touch-"ing the same, as the Governor-General in Council at Fort William afore-"said are by any act now in force authorized and empowered to do, for the "better administration of justice among the native inhabitants and others, "being within the provinces of Bengal, Bahar, and Orissa."

Process to be observed in respect to suits against natives residing in Bombay, possessing lands and tenements within the local jurisdiction of the Court of Salsette, in as far as regards such tenures.

II. Doubts having arisen whether natives possessing lands on Salsette, but residing in Bombay, could, under Section XVI, Regulation III, 1799, be prosecuted relative to those tenures in the court of justice for that jurisdiction, and a reference having on this occasion been made to the Government General, in view to a like negative clause in the Bengal Regulations, in as far as respects the town of Calcutta, the Supreme Government signified, in answer, that the rules adverted to had not been adopted at the presidency, with the view of preventing the Judges of the country courts from entertaining suits for the recovery of lands, houses, or other property, situated within their local jurisdictions, notwithstanding that the owners of such property might reside within the jurisdiction of the Supreme Court of Judicature at Calcutta, but only to prevent process from the Zillah Courts being served upon such persons, so long as they might actually remain within the limits of the jurisdiction of the Supreme Court; on which principle the Governor-General in Council was of opinion, that the Court of Salsette should entertain and decide upon all suits for the recovery of lands or houses situated within its jurisdiction, notwithstanding the defendants themselves be resident within the jurisdiction of the Court of the Recorder of Bombay; such defendants being apprized, instead of summons of the court being served on them (in the manner provided in Section X, Regulation IV. 1799) of the cause of action, and being thereby afforded an opportunity of defending the suits instituted against them; which medium was accordingly adopted, and has remained in force since the 29th of January 1802.

Early attention enjoined to causes of a revenue description.

III. On the 19th of December 1805, the Judges of the several courts were instructed to give their earliest attention to causes instituted by the Collectors on claims respecting the public revenue, without waiting, in regard to such suit, till they should come on for hearing in the ordinary course of the general file.

IV. *First.*

Appointment of an Assistant Judge to the Adawlut at Surat.

IV. *First.* The number of civil causes depending before the Judge of the Court of Adawlut at Surat having become so considerable, that great delay must have occurred in the trial and decision of them and of other causes that might be instituted previously to their determination, unless some provision were made to expedite the same; and the accumulation of such causes having chiefly proceeded from accidental circumstances, the effect of which might be expected to be remedied by a temporary arrangement for the trial and decision of the causes in arrear, without a permanent alteration of the established jurisdiction, it was deemed expedient, and provision was accordingly made, on the 28th of March 1807, for the appointment of an Assistant Judge to assist in the trial and decision of causes thus in arrear.

Rules of guidance for the Assistant Judge.

Second. In the discharge of this duty, the Assistant Judge is to be guided by the existing Regulations; his decisions being held final, or appealable to the Provincial Court of Appeal, according as the case would or would not have been so if decided by the Judge.

Extension of the judicial authority of the Register.

Third. In the like view of expediting the decision of civil causes depending in the Court of Surat, the Judge was (in extension of the limitations to this effect in Section III, Regulation I. 1802) empowered to refer to his Register, for trial and decision, in the first instance, any causes depending for money, or other personal property, where the amount or value of the thing contested shall not exceed the sum of five hundred rupees, or for malguzaree or revenue land, the annual produce of which shall not be above five hundred rupees, or for lakhirajee, or free land, the produce of which may not be more than fifty rupees per annum.

Of the Assistant to the Register.

Fourth. The Judge of the Adawlut at Surat was, under the same date, empowered to refer for trial and decision, in the first instance, to the Assistant to the Register, causes of the description, and to the amount prescribed by Section III, Regulation I. 1802.

To a head native referee.

Fifth. The Judge was at the same time authorized to appoint Sudder Ameen, or head native referee, to sit at the Adawlut, on references from the Judge, in suits for personal property to the amount of one hundred rupees, or for the property or possession of land the annual produce of which, if malguzaree, may not be above one hundred rupees, or more than ten rupees if lakhirajee.

Inferior Ameens or referees.

Sixth. The Judge's recommendation was sanctioned, on the same occasion, of two other Ameens or referees, to whom to commit petty suits under fifty rupees, as authorized by Regulation VII. 1802.

Co-extensive judicial cognizance in civil cases vested in the Register at Broach, and in a native referee.

V. *First.* Under similar inducements as expressed in Section V, the like extension of judicial cognizance as is conferred by Clause third of that section, was, under the 5th of June 1807, granted to the same officer in the Zillah or local court at Broach, the Judge of which was, on the same occasion, authorized to nominate a Sudder Ameen, or head native referee, with the like powers as are described in Clause fifth of the preceding section.

Rules to be observed by the Ameen or referee at the Broach Adawlut.

Second. The Sudder Ameen, or head native referee at Broach, is required to observe the general rules enacted for the guidance of other officers of that description by Regulation VII. 1802. The causes before him are to be pleaded by the parties themselves, or by an authorized Vakeel; and the usual process for summoning and taking security from defendants, as well

as

as for causing the attendance of any witnesses who may not appear at the requisition of the parties, in common with all other processes which it may be necessary to issue, relative to any cause committed to, or decided by, a head native referee, is to be issued under the seal of the court, and under the official signature of the Judge or Register.

Rate of fees to the Broach Register, and referee respectively.

Third. The undermentioned proportions of the fees collected agreeably to Section III, Regulation VIII. 1802, on suits which may be referred by the Judge to his Register, or to the Sudder Ameen, under this Regulation, shall be paid to them for their own use, respectively, before whom the suits may be determined, or before whom they may be depending, in the event of the parties adjusting them by razinamah.

On sums not exceeding fifty rupees, one anna per rupee.

On sums above fifty, and not exceeding two hundred rupees, one anna per rupee on fifty rupees, and half an anna per rupee on the remainder of the sum.

On sums above two hundred, and not exceeding five hundred; on two hundred rupees as above, and two per cent. on the remainder.

What causes are appealable to the Provincial Court of Appeal for the division of Broach.

VI. *First.* With reference to the institution on the 7th May 1805 of a Provincial Court of Appeal in civil cases, as prescribed in Section third, Regulation II. 1805, it was further, provided, on the 23d of May 1806, that the same limitation which governs the re-hearing of causes from the court at Tannah to the Sudder Adawlut at Bombay, as specified in Section nineteenth, Regulation III. 1799 (according to which such appeals lie, where the cause of action amounts to the sum of rupees four hundred), shall be applicable to appeals to the Court of Appeals for the division of Broach.

Its rule of process.

Second. The process of the court of Appeal for the division of Broach to be conducted in general conformity to the letter and spirit of the several provisions in Regulation VII. 1800, subject to such further rules as may in this respect be passed.

From what courts appeals lie to the Provincial Court at Broach.

Third. All appealable causes decided in the Zilla, or local courts, of Surat, Broach, and Kaira, and with which either the plaintiffs or defendants may be dissatisfied, are cognizable, in the first instance, by the Court of Appeal for the division of Broach, under the prescriptions, as to time and other requisites, provided in Regulation VII. 1800.

What causes are appealable from the Provincial Court at Broach to the Sudder Adawlut at Bombay.

Fourth. Any party dissatisfied with the decision of the Court of Appeal for the division of Broach may appeal again to the Sudder Adawlut at the presidency, provided the subject matter of the suit be not in value less than double that which renders the first appeal to the said Provincial Court admissible, *viz.* to the amount of eight hundred rupees.

Rules with respect to appeals from the decrees of a Register.

VII. In further definition of the right to appeal, it was provided, on the 21st of January 1808, that decisions by Registers in the courts named in Clause third, Section V, and in Clause first, Section VI, are to be appealable, in the first instance, to the Judge, as prescribed in Regulation IX. 1802, and from his decision to that of the Court of Appeal for the division of Broach, in the event of the Zilla, or local Judge's decree, on such appeal to him, in the first instance, reversing the decision of the Register, to an amount for which causes are appealable from the Zilla Courts in ordi-

nary course; but if the Zilla or local Judge's decree confirm the Register's, no appeal shall lie, unless, from any information before the Provincial Courts, the latter shall deem it of sufficient importance to merit further investigation, which discretion is, by the said Provincial Court, to be exercised with due caution, the motives inducing their admission of such appeals being also to be distinctly recorded on their proceedings.

Judge responsible for all decisions passed by Register, and other inferior authorities within the jurisdiction.

VIII. Decisions by Register's assistants, or Natives referees, are, under Regulations VII. and IX. 1802, reviseable by and appealable to the Zilla Judge, in whom the ultimate responsibility rests, that no unjust decision or order shall take place, to his knowledge, by any subordinate and delegated authority.

A.D. 1809. REGULATION I.

A REGULATION *for extending the Jurisdiction of the Zilla or local Court at Kaira over the Factory at Cambay:* PASSED *by the Governor in Council on the* 14*th of January* 1809 *(corresponding with the* 14*th of Poos Vud, Sumbut or Vekramajit Era,* 1865; *Salbhan,* 1730; *and the* 26*th of Zilkaad,* 1223 *Hejree).*

I. SINCE the institution of the Court of Appeal and Circuit, under Regulation II. 1805, the civil or appellate branch of its duties has been very limited, whilst by Regulation I. 1807, additional facility has been given to the discharge of its criminal functions, by admitting the gaol deliveries to take place in the manner therein prescribed, in which predicament a requisite regard to the public interests has, under existing circumstances, appeared to call for a modified and œconomical arrangement of the charge incurred by that establishment; and experience having shewn the necessity for some judicial controul over the factory at Cambay, the following provision has for this purpose been enacted.

Jurisdiction of the Adawlut at Kaira extended to the factory at Cambay.

II. On the 29th of July 1808, the Resident at Cambay was, with his officers and servants, rendered amenable to the Court of Adawlut at Kaira, as the nearest available jurisdiction, for all his and their acts, in like manner and to the same extent as provided for in Regulation VIII. 1800, for the commercial establishment at Surat, and under Clause second, Section II, Regulation II. 1805, for that of Broach.

A. D. 1809. REGULATION II.

A Regulation *for enabling the Commander-in-Chief, or Commanding Officer of the Forces, for the time being, to delegate the Power of appointing General Courts Martial on Native Officers and Soldiers of Detachments from the Bombay Army serving beyond Sea, and for determining the Number of Officers necessary for the Formation of such Courts Martial:* Passed *by the Governor in Council on the 10th of June* 1809 *(corresponding with the 13th Jeit Vud, Sumbut or Vekramajet Era,* 1865; *Salban,* 1731; *and the 25th Rubee-ul-akhir, Hejree* 1224).

Preamble.

I. By the annual Acts of Parliament for the Government of His Majesty's forces, provision is made for empowering officers commanding in chief, not only to appoint courts martial, but to authorize officers under their command, with certain restrictions, to convene such courts, and a similar provision for the delegation of this authority is contained in the Act passed in the twenty-seventh year of George the Second, for the prevention of mutiny and desertion in the Company's forces; but this latter Act applied only to European officers and soldiers in the Company's service, and no regular provision has hitherto been made for enabling the commander-in-chief or commanding officer of the forces for the time being to delegate the power of appointing native general courts martial. When detachments from the Bombay army may be sent on foreign service, or to stations beyond sea, it is obviously necessary that such a power should exist: in such cases it may frequently be difficult to procure the number of officers at present requisite for the formation of a general native court martial. In the acts above referred to, in contemplation of the same difficulty, it is provided, that in Africa and New South Wales (in respect of the King's troops), and in St. Helena (in respect of the Company's troops), general courts martial may consist of any number of officers not less than five; but no sentence of death is to be passed unless two-thirds of the officers present, or four where the court consists of five, shall concur therein. With a view to uniformity in the law martial for the government of the native troops, the following rules are enacted by the Governor in Council.

Commander-in-chief or commanding officer of the forces for the time being, may issue his warrant to the commanding officers of native detachments on foreign service or beyond seas, to convene general courts martial.

II. Whenever a detachment of the Bombay native troops may be on foreign service, or in any part of the British possessions beyond sea, the commander-in-chief or the commanding officer of the forces for the time being at Bombay shall have power to issue his warrant to the officer commanding in chief where such detachment is stationed or serving, authorizing him to convene native general courts martial as occasion may require. The commander-in-chief or commanding officer of the forces for the time being may also delegate, by his warrant to such commanding officer, either absolutely or under such restriction as he shall think fit, the power of confirming or directing the revision of the sentence of courts martial.

Of what number of native officers such courts martial shall consist, and what number to concur in a sentence of death.

III. A native general court martial shall not consist of fewer than nine native commissioned officers, subadars or jemadars, unless such court martial be holden by virtue of a warrant from the commander-in-chief, in the situations

tions and under the circumstances mentioned in the preceding section. In cases of general courts martial so holden, where the number of nine officers cannot, in the judgment of the officer convening the same, be conveniently assembled, any number of native commissioned officers or jemadars, not less than five, shall be competent to form such general courts martial for the trial of native officers or soldiers belonging to such detachments: but no sentence of death shall be passed by such courts martial, unless two-thirds of the members, or four where the court consists of five, shall concur therein.

A.D. 1809. REGULATION III.

A REGULATION *to provide, in certain Cases, for the trial of Native Subjects of the British Government who may be charged with Crimes or Misdemeanors committed in Places out of the Limits of the British Provinces:* PASSED *by the Honourable the Governor in Council of Bombay on the 25th July* 1809 *(corresponding with the 13th Assad Sud, Sumbut or Vekramajit Æra* 1866; *Salbahan,* 1731; 11*th Junmadee ul Akher,* 1224 *Hijree).*

Preamble.

I. WHEREAS, under the existing laws, native subjects of the British Government are not amenable to the established criminal courts, for crimes or misdemeanors committed in places out of the limits of the British provinces; and whereas the purposes of justice require that provision should be made for supplying this defect; the following rules have been enacted, to be in force throughout the British territories immediately subject to the Government of the presidency of Bombay from the date of their promulgation.

How Magistrates are to proceed against native subjects found within their jurisdiction, in cases of serious offences committed without the limits of the British provinces.

II. *First.* Whenever a native subject of the British Government shall be charged with murder or homicide of any sort, rape or other great personal violence, robbery, burning of houses, or violent affrays, or any other serious offence, committed in any place out of the limits of the British provinces, either against the subjects of the British Government or any other persons, and shall be found in any part of such provinces, the Magistrate of the city or zillah in whose jurisdiction the accused person may be found, on the charge against him being deposed to on oath, or under a solemn declaration, either by the complainant or by some other credible person, as required by Section IV, Regulation V. 1799, shall issue process for apprehending or summoning the party accused, under the provisions of that Regulation, and on his attendance shall make such inquiry into the charge, as the circumstances of the case, and the evidence attainable may admit of; after which he shall report his proceeding to the Governor in Council.

Rules as to the commitment or holding to bail in such cases.

Second. In such cases, the Magistrate shall commit the prisoner or hold him to bail, according as the nature of the charge in ordinary cases would require. In cases of commitment, the form shall specify until the orders of Government shall be received; and in cases of bail, the form of the bail bond shall be, in the first instance to appear before the Magistrate on a certain day assigned (leaving time for the receipt of the orders of Government),

ment), and on such subsequent days as the Magistrate shall require. Should Government, in the latter case, direct the accused to be brought to trial, the Magistrate shall cause the bail bond to be renewed in the ordinary form, to appear and take his trial at the court appointed for that purpose.

Governor in Council competent to direct such persons to be brought to trial before any of the established criminal courts.

III. In cases referred to under the preceding section, as well as in all cases of the like nature which may in any manner come before the Governor in Council, if it appear proper that the prisoner should be brought to trial for the offence imputed to him, the Governor in Council shall be competent to direct that the prisoner be brought to trial before any of the established courts of criminal judicature within the British provinces which he may be pleased to appoint; and the especial order of the Governor in Council for the purpose shall be deemed full and sufficient authority for the trial and punishment of such prisoner by the court so appointed, as well as by the superior tribunal of the Governor in Council, if the case be referrible, under the Regulations in force, to that court.

Such trials to be conducted, and sentences passed, in conformity with the general regulations for the trial of offences in ordinary cases.

IV. Whenever a native subject of the British Government shall be brought to trial before any of the established courts of criminal judicature, under the provisions of this regulation, the trial shall be conducted, and sentence thereupon passed and carried into execution, under the general Regulations in force, in like manner as if the offence had been committed within the British territories, and the case subject to the ordinary jurisdiction of those courts.

A. D. 1810. REGULATION I.

A Regulation *for the Re-establishment of a Town Duty*: Passed *by the Governor in Council on the 1st of May* 1810, *(corresponding with the 13th Chyter Vud, Sumbut or Vekramajit Era* 1866; *Salbahan,* 1732; *and 26th Ruby ul avul,* 1225 *Hejry).*

I. In pursuance of instructions from the Honourable the Court of Directors, the collections under the head of town duties, that had ceased from the end of April 1805, are from this date renewed, under such modifications as have appeared to the Governor in Council to be best adapted to the circumstances of the commerce of this presidency.

II. The several provisions in Regulation I. 1803 are, for this purpose, declared to be again in force from the 1st of May 1810, with the undermentioned exceptions and alterations.

III. *First.* Instead of the articles on which the rate of four per cent. town duty is directed, by Section VI, Regulation I. 1803, to be levied, the following are those now subject to it.

Second. 1st. Goods imported from the other presidencies and their dependencies, under certificates of exemption from customs at Bombay, excepting those articles of a like description (such as ghee, oil, &c. &c.) as are

not liable to town duty, when imported from other places, unaccompanied by exempting certificates.

Third. 2d. Oil (except that in use for culinary purposes)	Sandal-wood,
Shawls,	Saltpetre,
Wax candles,	Black pepper,
Sugar,	Cardamums,
Piece goods,	Mace,
China silks,	Cloves,
Nankeens,	Nutmegs,
Rose-water,	Cinnamon,
	Cassia.

Fourth. 3d. The articles of bhoysing, of cocum, and of tamarind, which have hitherto been assessed to the custom-house duties, to be exempted therefrom, and transferred to the town duty; the amount of which is however to continue payable on importation, subject, of course, to drawback, in the event of re-exportation within the period of six months.

Fifth. 4th. The following additional articles to be assessed both to the customs and to the town duty: pearls and precious stones, hitherto omitted to be charged with either; and jewellery, which has heretofore paid only the rate of customs.

IV. *First.* The privilege conceded by Clause second, Section VI, Regulation I. 1803, of warehousing the articles therein mentioned, is to be extended to the goods specified in Clause second, Section III, as now enacted.

Second. It is to be left optional with the owners or consignees of the goods comprehended in Clauses first, second, and third, of Section III. of the present Regulation, either to warehouse them under the provisions of Regulation I. 1803, or to retain them in their own custody, on entering into an engagement, accompanied with adequate security, to exhibit before the Custom-master a statement, verified upon oath, at the end of the first six months, of the quantity of such goods which has been intermediately re-exported, and of that which, from having been appropriated to consumption within the island, is to become subject to the payment of the town duty, on which latter quantity the amount is thereon to be paid in; which process of periodical adjustment, is to continue thereafter in quarterly progression, from one four months to another, until the whole of such goods shall have been thus accounted for in re-export or by consumption, as aforesaid.

V. The provisions of Sections XV. and XVI, Regulation I. 1803, respecting the town duty on liquors, remain in full force.

VI. All the provisions in Regulation I. 1803, not affected by the present Regulation, are also to continue in full force.

A.D. 1810. REGULATION II.

A REGULATION *for the Port of Bombay:* PASSED *by the Governor in Council on the 30th of September* 1810 *(corresponding with the 2d Asvin Sood, Sumbut or Vekramajit Era,* 1866; *Salvahan,* 1732; *and the 30th of Shaban,* 1223 *Hejree).*

I. THE variety of orders and provisions that have been made for the regulation of the port of Bombay, since the first establishment of a marine and of a dock-yard at this presidency, having been recently revised and collated, for the fuller information and guidance of His Majesty's and the Honourable Company's officers, and of the general mercantile interests of this settlement, and of the masters of all ships and vessels frequenting this port, the whole have been enacted into a Regulation, as follows. Preamble.

GENERAL RULES AND REGULATIONS NECESSARY TO BE OBSERVED BY THOSE WHO RESORT TO THIS PORT.

II. *First.* After the arrival of every merchant ship in this harbour, the master is, immediately upon his landing, to wait upon the Superintendent of the Marine with his log-book. The master of every merchant ship to wait upon the Superintendent.

Second. If a ship, having gunpowder on board, be anchored above the middle ground, the master is immediately to apply to the Commissary of Stores at the arsenal, to receive it into his charge till the ship's departure from the port. Ship's gunpowder to be landed.

Third. It is positively forbidden that any ship receive her gunpowder on board above the middle ground, without the authority of Government. Gunpowder not to be received on board above the middle ground.

Fourth. Ballast, of any description, is not to be thrown overboard in this harbour, under pain of the master or mate of the ship, who shall so dispose of the ballast, being deprived of his license and sent to Europe. A reward of ten rupees to be paid to informers who shall be able to substantiate any breach of this prohibition. Ballast not to be thrown over board in the harbour.

Fifth. No European, not belonging to the crew when the ship imported, is to be entertained on board, without permission, in writing, from the Superintendent of the Marine if he be a seaman, or the Town Major if he be a soldier. No European to be entered without the permission of the Superintendent of the Marine, or the Town Major.

Sixth. No square-rigged vessel, above fifty tons burthen, is to enter or leave this harbour without a pilot; with the exception of coasting vessels, northward and southward. No square-rigged vessel to enter or leave the port, without a pilot.

Seventh. Should any vessel lose an anchor in this harbour, notice is to be immediately given to the Master Attendant, with the bearings of the anchor. If any ship lose an anchor, notice to be immediately given to the Master Attendant.

Eighth. Ships are not to have their jib-booms, spanker-booms, or sprit-sail yards, out, till they are ready for sea, and the pilot goes on board. Ships not to have their jib-booms or sprit-sail yards out till they are ready for sea.

Ninth. No ship is to be moved, nor an anchor lifted, without the knowledge of the Master Attendant. No ship to be moved without the knowledge of the Master Attendant.

Tenth. It being an object of great public consideration to clear this harbour, as much as possible, of the anchors, &c. which have been lost in it in the course of years, to the obstruction, and sometimes to the danger of the shipping frequenting the port; as an encouragement to the zeal and activity that may be volunteered and employed on so material a service, whoever succeeds Encouragement afforded to clear the harbour of anchors, &c. which have been lost.

succeeds in recovering any anchors, grapnails, or other articles which may have been lost, is to receive the customary salvage as his reward.

INSPECTOR OF THE PORT.

III. *First.* On the 19th of August 1799, a Regulation was passed for preventing foreigners of every description from landing at the presidency and its dependencies without permission from Government; the rules comprehended in Regulation II. 1799, are here republished, as follow.

Every foreign vessel to anchor below the ground till the Inspector shall arrive on board, and to be inspected previously to any person being permitted to disembark.

Second. No foreign vessel is to be brought above the ground till the Inspector shall arrive on board; nor any person whatever permitted to disembark from any foreign vessel, until such vessel shall have been inspected by the proper officer, and regular permission, in consequence, obtained.

Official notice, under the signature of the Secretary to the Government, to be dispatched to all foreign vessels.

Third. For this purpose, official notice (according to the annexed form), under the signature of the Secretary to the Government, is to be dispatched to all foreign vessels, on their approach to this harbour, informing their commanders of the foregoing resolution, and requiring them to prepare lists of their passengers and ship's companies for delivery to the inspecting officer; which lists shall, if required, be authenticated by the affidavit of the commander and senior officer of each vessel respectively.

Form.

Foreign vessels to deliver in muster-rolls of their ship's companies and passengers to the inspecting officer.

"SIR:—1*st.* You are hereby informed of the resolution of the Governor "in Council, that no person will be permitted to land from your vessel until "she shall have been duly inspected by an officer appointed for this pur- "pose; you are, therefore, to prepare a muster-roll of your ship's company "and of the passengers on board, which roll, under the signature of your- "self and of your chief officer, shall be delivered to the inspecting officer, "and shall, if required, be attested on oath before a magistrate.

The inspecting officer to examine crews of foreign vessels.

"2*d.* The inspecting officer is authorised to examine your crew and "passengers according to the roll, which is to contain the names of each "person on board, the time of their entry, the time and place of their "embarking, their country, and the station or character of each. To this "roll you are to add the names of all places at which your vessel may have "touched during the voyage.

Captain of a foreign vessel not to be permitted to come on shore before he conforms to the orders as above mentioned.

"3*d.* Until you shall have complied with this order, you will not be "permitted to have communication with the shore; and upon your landing "you are to pay strict obedience to the printed regulations, which you "will find at the office of the Superintendent of Marine: in failure of "which, your ship will not be admitted to any entry at any British port "in India."

A vessel to remain stationed in the mouth of the harbour, to communicate with every foreign vessel which may be entering, and to enjoin her to anchor till the inspecting officer arrive on board.

A guard-boat to remain alongside of each foreign vessel importing to this harbour.

Fourth. A vessel is to remain constantly stationed in the mouth of the harbour to communicate, according to these regulations, with every ship under foreign colours, which may be entering, and to enjoin her to anchor until the inspecting officer shall come on board and make the necessary inquiries; and a guard-boat is to remain alongside of each foreign ship thus importing until removed by the proper authority, and while there to prevent any boat whatever from either getting on board of her from the shore or from proceeding to the shore from the ship.

The inspecting officer to examine and muster the crew and

Fifth. On the strange ship anchoring as above, the inspecting officer is to proceed on board and to examine and muster the crew and passengers, according

according to the lists which shall have been prepared under the signature of the commander and that of his senior officer.

passengers of any foreign vessel coming into this harbour.

Sixth. If on this muster, and such further examination as the inspecting officer shall deem necessary, he shall not observe any suspicious persons to be on board, he is to authorize the pilot to bring the ship to her moorings, and to return to the shore with his report to the Superintendent of Marine, enjoining the guard-boat alongside to exert its utmost vigilance, in preventing any person from quitting the ship or proceeding on board of her.

The inspecting officer, after being satisfied that no suspicious person is on board a foreign ship importing, to authorize the pilot to bring the ship to her moorings.

Guard-boat alongside a foreign ship not to allow any person to quit the ship or proceed on board of her, till ordered so to do.

Seventh. In case the Superintendent be satisfied with the report of the inspecting officer, he shall authorize the removal of the guard-boat and the necessary communication with the ship; if not, the guard-boat is to remain, and a report to be made by him to the Honourable the Governor.

After the superintendent being satisfied with the report of the inspecting officer, to authorize the removal of the guard-boat.

Eighth. Upon the guard-boat's being removed from alongside any foreign ship importing in the manner specified in the preceding section, written notice thereof is to be immediately transmitted by the Superintendent to the Custom-master, with such orders and under such regulations as relate to his department.

Upon the removal of a guard-boat from alongside any foreign ship, notice to be given by the Superintendent to the Custom-master.

Ninth. The guard-boat is to report to the inspecting officer any violation of those regulations which may be persisted in by any person or persons, and detain such boat as he or they may be on board of, until he receives his orders on the subject.

Guard-boat to report to the inspecting officer any violation of these regulations.

Tenth. The captain or supercargo of every foreign ship importing into this harbour shall, immediately on their landing, deliver in to the office of the Superintendent of Police a list of such of the officers and crew as it is intended shall reside on shore during the ship's stay; who, if he sees no objection, shall thereon grant to each a printed certificate of their being permitted to remain on shore, taking thereon the instructions of the Governor, as from time to time may prove necessary.

Such of the officers and crew of any foreign vessels as may intend to reside on shore to be furnished, if no objection occur, with a certificate of such permission having been granted.

Eleventh. The captain or supercargo shall further leave at the Police Office a paper, with the signature of such officers of the ship (not exceeding three on board of each) whose authority shall, when countersigned by the Superintendent of Police, be a sufficient pass for such of the crew as may have occasion to be on shore, for a time only, which time is to be signified in the pass.

Forms to be observed in respect to the pass to be granted to such of the crew as may have occasion to be on shore.

Twelfth. All seamen and others belonging to foreign ships, and suspicious persons in general, not in possession of either a general or temporary pass as above, to be apprehended by the Superintendent of Police and kept in custody, the captain or supercago of the ship being charged with all expenses attending their seizure and detention.

Persons found without a pass to be apprehended, and kept in custody by the Superintendent of Police, all charges being defrayed by the captain or supercargo.

Thirteenth. A register to be kept in numerical order for each month in the Police Office of all passes granted, for the purpose of reference.

All passes to be registered in the Police Office.

Fourteenth. Orders to be issued at the gates and at the stations of other military guards, to prevent all foreign European seamen from passing or landing on the island, unprovided with a pass countersigned by the Superintendent of Police.

Foreign European seamen not to be suffered to pass the gates or any military guard without a passport from the Superintendent of Police.

Fifteenth. If at any time the Superintendent of Police shall see cause to suspect persons thus landed of improper intentions, he is to apprehend and detain the same, and make report thereof to the Honourable the Governor.

Superintendent of Police to apprehend suspicious persons of the above description, and report to the Governor.

 Sixteenth. No

Commanders of foreign ships restricted from receiving any person on board as a part of the crew, or a passenger, without permission.

Sixteenth. No commander of a foreign ship shall entertain on board any person, either as a part of the crew or as a passenger, without a permit from the Superintendent of Marine, who is to act, in granting the same, under the orders and sanction of the Governor.

Previous to the embarkation of any commander of a foreign ship about to depart, the crew to be mustered by the lists furnished on her importation.

Seventeenth. When any foreign ship is about to depart from this port, the inspecting officer shall, previous to the embarkation of her commander, repair on board and muster and examine the crew according to the lists furnished on her first importation, and examine the officers and crew as to such casualties as may have been reported during the continuance of the vessel in port, and require the permit from the Superintendent of Marine for shipping such additional men or passengers as he may find on board.

The intermediate casualties to be inquired into, and the Marine Superintendent's permission required for filling them up.

Foreign ships under suspicious circumstances to be inspected, and after the first search has been completed a guard-boat to be stationed alongside, to prevent communicating with the shore.

Eighteenth. In cases which shall appear to require it, the inspecting officer shall search any foreign ships under suspicious circumstances, and is upon all occasions, after his first inspection shall have been completed, to station a guard-boat alongside of every foreign vessel, to prevent communication with the shore until she may sail out of the harbour.

After the final inspection and muster is made no person to be permitted to go on board.

Nineteenth. After the inspecting officer has made his final muster and examination of any foreign ship about to depart, a guard-boat is to be stationed alongside of her, and no person is to be allowed to go on board of her without a pass from the Superintendent of Marine.

The Superintendent of Marine, when authorised by the report of the inspecting officer, is to countersign the ship's port clearance, as a permission for her to depart.

Twentieth. As soon as the Superintendent of Marine shall have been satisfied, by the report of the inspecting officer, that these regulations have been complied with, he shall countersign the ship's port-clearance as the authority for her departure, as far as regards his department.

The Superintendent of Marine immediately to report any foreign ship which may sail without a regular port clearance, &c.

Twenty-first. An immediate report to be made by the Superintendent of Marine of any foreign ship which may sail from the harbour without the regular port-clearance; and the cruizer in the mouth of the harbour, upon an agreed signal from the light-house, is, as far as possible, to prevent any such ship from leaving the harbour without a pilot.

Dows and dingeys to be examined by the Inspector of the port.

To inquire what passengers or if any Europeans are on board.

Such dow, &c. to be allowed to proceed up the harbour if no suspicious circumstances arise; but otherwise to be detained till report shall be made to the Superintendent of Marine.

Twenty-second. The officer in command of the vessel stationed at the mouth of the harbour, shall send one of his guard-boats with an intelligent person, to inspect all dows, dingeys, or other vessels of that description coming into this harbour; which person shall inquire of the Naqudah or Craney what passengers, or if any Europeans whatever be on board, and shall carefully examine such vessel, and if satisfied that no improper or suspicious passenger or other person is concealed therein, shall allow such vessel to proceed up the harbour, but otherwise to detain her until a report can be made to the Superintendent of Marine, who will thereon act as he may deem necessary, reporting his proceedings to the Governor, and acting thereon as the latter shall direct.

No European to be discharged from a ship without the permission of the Superintendent of Marine.

Twenty third. No European foreigner or even British subject shall, on any account, be discharged from any ship under English colours without the permission of the Superintendent of Marine; and when that permission has been granted, the discharged man is to be sent to the office of Police, in order to have his name registered there and a proper passport granted to him, as in the case of the seamen of foreign ships.

Correct lists of the ship's company and passengers to be delivered to the inspector of the port.

Twenty-fourth. All merchant ships, whether English or foreigners, without distinction, shall, on their arrival, deliver in correct lists of their ship's company

company and of all other persons who shall be on board to the Inspector of the port, who is to re-examine such lists on the departure of these ships respectively, and to report to the Superintendent of Police how many of the European part of such crew do re-embark, and what has become of the remainder; which returns are to be regularly submitted by the last-mentioned Superintendent to the Governor, who after being satisfied thereon is to direct the Superintendent of Police to write to the custom-master accordingly, till which the vessel's port clearance is not to be granted: the object of this regulation being to prevent foreign or British subjects improperly remaining on shore behind the ship that brought them, which besides other inconvenience has frequently entailed undue expense on Government.

Port clearance not to be granted till the absence of any persons forming part of the crew upon a ship's arrival is satisfactorily accounted for.

Twenty-fifth. Europeans not in the service of His Majesty or the Honourable Company, landing from the Mahratta country at any of the bunders under the Custom-masters of Bombay, Mahim, Salsette, or Caranja, are to be detained at the custom-house, until a report can be made to the Governor of the name, nation, profession, and reason of the party for visiting this island, unless such European shall be furnished with a pass from the Honourable the Governor, the Resident at Poona or Hyderabad, or some person authorized to give such pass, in which case he is to be sent to the Police, where his name is to be registered.

Europeans not in the service of His Majesty, or the Honourable Company, landing from the Mahratta country at any of the bundars, to be detained at the custom house.

Twenty-sixth. Nor is any European of the foregoing description to be allowed to go off at any of the said bunders without a pass regularly granted by the local authorities, who now are or may be hereafter authorized by Government to issue them.

No European of the foregoing description to be allowed to go off at any of the bunders without a pass regularly granted by the local authorities.

Twenty-seventh. In the event of the officer piloting a foreign ship into this harbour being one of the Inspector's department, he is to send a written report on shore; and upon receipt thereof a white flag at the flag-staff at the Superintendent office will be a signal that the report from the foreign vessel just arrived is satisfactory, and that he may proceed up the harbour; but if the report be not satisfactory a red flag will be hoisted, upon which the ship must be anchored, and the Superintendent will represent the circumstances of the case to the Governor.

White flag hoisted at the Superintendent's office is a signal that the foreign ship may proceed up the harbour.

A red flag hoisted at the Superintendent's office is a signal that the foreign ship is not to proceed up the harbour.

PORT CLEARANCES.

IV. *First.* No port clearance for any ship or vessel to be granted, until the following documents shall be produced at the custom-house, by the person applying for the clearance.

Form to be observed and documents to be produced on applying for ship's port clearances.

Second. A certificate from the Marine Storekeeper, and a certificate from the Marine Pay-master, that all demands in their respective offices had been satisfied.

Certificates from the Marine Store-keeper and Pay-master required.

Third. A letter from the Secretary to Government that a list of Europeans on board had been delivered, and that Government are satisfied therewith, and that the captain and officers have executed the necessary covenants.

A letter from the secretary to Government.

Fourth. A list of passengers; and should there be none, it must be so noted on the port clearance.

A list of passengers.

Fifth An account of their export cargo.

An account of the export cargo.

Sixth. The ship's pass, which must be in every respect satisfactory.

Ship's pass.

Seventh.

A letter from the Superintendent of Police.

Seventh. A letter from the Superintendent of Police, signifying that the Honourable the Governor has not any objection to the port clearance being granted.

When all the forms have been gone through, the Custom-master to grant a port clearance:

Eighth. When commanders of vessels shall have conformed to the rules prescribed to them in the clauses of the preceding section, the custom-master shall then grant a port clearance to them in the usual form.

which is to be countersigned by the Superintendent of Marine, as an authority for her departure.

Ninth. The Custom-master's port clearance to all ships or vessels is to be countersigned by the Superintendent of Marine, in testimony of all the Regulations regarding his department having been duly observed, and as an authority for her departure.

Merchant vessels sailing without port clearance, the commander will be considered as having forfeited the Honourable Company's license.

Tenth. If any merchant vessel shall sail out of this harbour without a clearance, the commander will be considered to have forfeited the Honourable Company's license and be sent to Europe.

Goods lodged in the Bunder pier and in the Custom-house area, not to remain longer than twenty-four hours.

Eleventh. In order to prevent the Bundar pier and Custom-house area from being lumbered in the fair season, goods which shall be landed there shall not be permitted to remain longer than twenty-four hours.

RECEIPT AND DELIVERY OF BALLAST.

Applications for ballast to be made in writing, to the Superintendent.

V. *First.* Applications to be made for the quantity of ballast required, in writing, to the Superintendent, forty-eight hours prior to the time it may be wanted, which will be entered in a register at the office, in which register priority of application will be attended to.

No ship to hoist a signal for ballast, until directed by the Superintendent.

Second. No ship or vessel is, on any account, to hoist a signal for ballast, until directed by the Superintendent or his Assistant.

Signals to be hoisted on a top-gallant mast.

Third. All signals to be hoisted on a top-gallant mast, or a flag-staff at the main top-mast head.

The first ship, or No. 1, to hoist a large red flag,
The second do. or No. 2, ... do. ..... white do.
The third do. or No. 3, ... do. ..... blue do.

During the monsoon three ships will be attended to.

Fourth. It is presumed that three ships, during the monsoon, are as many as can be attended to, and in the fair season the number may be increased.

As soon as any ship has completed her ballast, the signal to be struck, and immediate notice thereof sent to the Superintendent.

Fifth. As soon as any ship has completed her ballast, the signal to be struck, and immediate notice thereof sent to the Superintendent's office, when the ship next in rotation will be instructed to hoist the appointed flag.

When any ship has struck her signal, the other two to alter their flags.

Sixth. When any ship has struck her signal, the other two are to alter their flags without further notice. For example, if the red flag be hauled down, let the white be shifted with the red, and the blue with a white. A very small degree of attention on the part of officers on board will render this a simple method; and it may be hoped it will prove efficacious.

The contractor to be instructed to order boats first to the red flag, and so in rotation.

Seventh. The contractor will be instructed to order the boats first to the red flag, and so in rotation: and it is expected that boats be unladen with all possible expedition, and in the following manner, *viz.* The crew of the boat are to hand up or deliver the ballast from the boat to the first or lowest stage or grating, from whence the ship's crew are to receive it and deliver into the ship. Any ship delaying is to lose her turn; and should more boats be alongside than can be quickly discharged, some will proceed to the white and blue flags.

The contractor to make his bills from the officers' receipts.

Eighth. The contractor is to make his bills from the officer's receipt, which the commanders must abide by, as any number of boat loads may be weighed on board.

Ninth.

Ninth. The bills and vouchers are to be sent to the Superintendent's office, for his or his Assistant's counter-signature. The bills and vouchers to be sent to the Superintendent's office.

Tenth. The contractor is to report every morning, in writing, at the office, what ballast, and how disposed of on the preceding day. Contractor to report, every morning, what ballast and how disposed of on the preceding day.

Eleventh. The contractor is to be under the controul of the Superintendent and his Assistant, and of those officers only, unless when appeals are made to the Honourable the Governor in Council; and that such appeals may be avoided as much as possible, owners and commanders are requested to apply to the Superintendent, when they deem themselves aggrieved, and he will endeavour to see justice done. Contractor to be under the control of the Superintendent and his Assistant.

Twelfth. The contractor will, most assuredly, be forced to pay his penalties, and forfeit his contract, in case of wilful neglect or inattention; but, for unavoidable failures, the Superintendent will make due allowance. The contractor must be forced to pay his penalties in case of neglect.

Thirteenth. Ballast is not to be supplied to the shipping in this harbour by any other individual than the contractor, without the express permission of the Superintendent. Ballast not to be supplied to the shipping in this harbour, by any other individual than the contractor.

Fourteenth. When a commander may be desirous of discharging his ballast, the contractor, upon application, will remove it in his own boats. When a commander may be desirous to discharge his ballast, contractor to remove it in his own boats.

Charges.

In the dry season	Rupees	3	0	14 per ton.
In the rainy season.....		3	2	14

Charges for ballast.

WATER.

VI. *First.* Application to be made, in writing, to the Boat-master for the quantity required. If in bulk (which will be supplied in the Honourable Company's tank-boat), or if the ship's casks are to be filled, the number and size must be specified. Application for water to be made to the boat-master.

Second. There are three tank-boats, with the following contents, and the charges are as annexed, *viz.* Expenses for water.

No. 1...4,032 gallons	Charge 48 rupees
No. 2...5,040	60
No. 3...3,780	45

If a vessel's casks are to be filled, the charge is a rupee per ton.

DOCKS.

VII. *First.* When a vessel requires to be docked, application must be made by the commander to the Superintendent of Marine, who will direct her name to be entered in a book; and priority of application will always be attended to, unless the ships of His Majesty or the Honourable Company intervene. Application for docking a vessel to be made to the Superintendent of Marine.

Second. After application has been made for a dock, implicit attention is to be paid to the directions of the Master Attendant or his Assistant, for the preparation of the ship to be docked, or in failure thereof, the benefit of the dock will be withheld. After application has been made implicit attention to be paid to the Master Attendant's directions.

Third. The crew of a ship coming into dock must be previously disposed of, as they will not be permitted to remain on board while the ship is in dock. Crew of a ship coming into dock must be previously disposed of.

Fourth. While a ship is in dock no articles of weight are to be received on board without permission from the Master Attendant. While a ship is in dock no articles of weight are to be received on board.

 Fifth. When

Master Attendant's orders to be implicitly obeyed by the ships hauling out of dock.

Fifth. When it is necessary to haul a ship out of dock, the Master Attendant's orders for lightening her, by removing what she may have on board, or for putting on board more ballast, if necessary, are to be implicitly obeyed.

Expenses of docking.

Sixth. Dock-hire for the first springs, Rs. 450; Foreigners to pay Rs. 600
For each of the subsequent springs, 350; ditto 500

DOCK-YARD REGULATIONS.

The wickets of the dock-yard to be opened at daylight.

VIII. *First.* At daylight the wickets of the gates are to be opened.

At 7 A.M. the centre gate to be opened and bell rung, to call the artificers to their work.

Second. At 7 A. M. the centre gate is to be opened, and the bell rung to call the artificers to work; and at half past seven the gate is to be shut and the wicket left open.

At noon the bell to be rung for the artificers to go to dinner.

Third. At noon the bell is to be rung, as a signal for the artificers to go to dinner, and the gate is to be opened for their egress; at half-past twelve the gate is to be shut, the wicket being left open.

At 2 P.M. the bell to be rung for the artificers to return to work.

Fourth. At 2 P. M. the bell is to be rung for the artificers to return to work, and the gate is to be opened for their ingress; at half-past two the gate is to be shut, the wicket being left open.

At sunset the artificers to depart.

Fifth. At sunset the bell is to be rung, and the gates opened for the departure of the artificers; and, half an hour afterwards, the gates are to be shut, the wicket of the centre gate being left open till the evening gun be fired.

Half an hour to be allowed to the artificers to come to their work.

Sixth. By the foregoing regulations, half an hour after the ringing of the bell has been allowed for the artificers to come to their work, the Master Attendant is to take especial care that such artificers as exceed that time, before they present themselves to the mustering Purvoe, are checked for their pay on the day on which they shall so exceed, unless they shall give satisfactory reasons to the Master Attendant of the cause of their absence, which reasons are to be recorded and reported, to assist in the passing of their wages for the month.

In cases of necessity the gates should be opened.

Seventh. Although it is to be generally understood that these rules are not to be dispensed with but in cases of necessity, yet it will always be at the discretion of the Master Attendant to open the gates for any purpose which he may think proper.

The gates to be opened when the Governor thinks proper to visit the yard.

Eighth. They are to be opened when the Honourable the Governor thinks proper to visit the yard, or for the admittance of the Members of Government or of ladies.

They are to be opened when it rains, or when timber and plank are to be conveyed into or out of the yard.

Ninth. They are to be opened, likewise, when it rains, or when timber and plank, or any articles which cannot be passed through the wickets, are to be conveyed into or out of the yard.

No boats to be permitted to come to the dock-yard stairs.

Tenth. No boats, besides those attached to the Marine department, are permitted to come to the dock-yard stairs, but the following: those belonging to His Majesty's navy, the admiral or the captains in them; the boat of the Naval Commissioner; those belonging to the Honourable Company's cruizers having the captains or commanders in them; those belonging to the Honourable Company's chartered ships having the commanders in them, or boats of the Navy or the Honourable Company's Marine, for the express purpose of drawing small stores. The Boats of His Majesty's ships and of the Honourable Company's Marine for all other purposes, and all other boats whatsoever, must use the pier expressly constructed for their accommodation, or the Bunder-pier, as may be found convenient.

Eleventh. Neither

Eleventh. Neither meat nor stores for the shipping of any description (with the exception above-mentioned) are to be passed through the dock-yard, the new pier or the Bunder-pier being adequate for such purposes.

Meat or stores not to be passed through the dock-yard.

Twelfth. No baggage or stores are to be carried through the yard by any other than the crews of the ships and vessels, except with an order from the Honourable the Governor, his Excellency the Admiral, the Commanding-officer of the Forces, the Superintendent of Marine, the Master Attendant, or the Town Major; and all baggage and stores so passed are to be accompanied by a certificate from the officer to whom they belong.

No baggage to be carried through the yard.

Thirteenth. After the firing of the evening gun, nobody belonging to the ships in the harbour, below the rank of a commissioned officer, is to be allowed to land or enter the dock-yard, without the express permission of one of the authorities above-mentioned.

No person to be allowed to enter the dock-yard after the firing of evening gun.

Fourteenth. Boats' crews are not to be permitted to quit their boats at the stairs, after the hour of shutting the gates.

Boats' crews not to be permitted to quit their boats at the stairs.

Fifteenth. Small craft are not to deliver firewood or any other lading within the limits of the yard, without the Superintendent's sanction.

Small craft not to deliver firewood, &c. within the yard limits.

Sixteenth. The ships and vessels in dock are not to land any lumber whatever on the pier.

Vessels in dock not to land any lumber on the pier.

Seventeenth. No cargo of any description is to be landed in, or passed through the yard, from or to any ship in dock, without the Superintendent's permission in writing.

No cargo to be landed in the yard.

Eighteenth. No fire or light is allowed on board any ship or vessel in dock without the authority of the Superintendent, to whom the purposes for which either may be required must be stated in writing.

No fire or light to be allowed on board a ship in dock.

Nineteenth. No palanquins are to remain in the yard without the permission of one of the authorities before-mentioned.

No palanquins to remain in the yard.

Twentieth. Natives of every description, not engaged in the service of the yard, or of His Majesty's and the Honourable Company's ships and vessels, or concerned in the ships under repair, are to be excluded from the dock-yard.

Natives not to be allowed to enter the dock-yard.

Twenty-first. If any fire should happen, or any signal of distress be made, on board a vessel in the harbour, the yard bell to be rung and the dock gates are to be thrown open, that every assistance from the shore may be conveyed to her.

When any signal of distress be made, the dock-gates to be opened.

Twenty-second. When a ship is either coming into or going out of dock in the night, the gates are to be opened for the Master Attendant's and builder's people to pass.

The gates to be open when a ship is either coming in or going out of the dock in the night.

Twenty-third. The Tindals of the Bunder-boats, having any reports to make on service, are to be permitted to pass.

Tindals of Bunder-boats to be permitted to pass.

Twenty-fourth. When the builder is repairing any ships afloat, he may, on his own authority, desire the sentries to allow country boats to quit the dock stairs, with artificers, planks, tools, &c.

The builder may desire the sentries to allow country boats to quit the dock-stairs with artificers, &c.

PILOTAGE AND TRANSPORTING.

IX. *First.* A pilot proceeding down the harbour to importing ships is invariably to go on board of the headmost.

Pilotage in respect to ships entering the harbour.

Second. A pilot conducting a vessel out of the harbour, and seeing another signalled at the light-house, is, upon quitting the ship he takes out, invariably

riably to repair on board the ship coming in, if she have not a pilot on board.

Third. A pilot is not to quit a ship after bringing her into the harbour, until she be safely moored or he relieved.

Rates of pilotage for men of war.

Fourth. The following are the charges for pilotage, *viz.*

	Fair Season.	Monsoon.
A ship of the line or of 50 guns,	Rupees 100	Rupees 140
A frigate or sloop of war	75	100

For foreign men of war.

Fifth. Foreign men of war are to pay, in addition to the above rates, forty rupees.

For merchant ships and vessels.

Sixth. Square-rigged vessels of all descriptions:

	Fair Season.	Monsoon.
Above 50 to 300 tons	Rupees 50	Rupees 75
300 to 400	55	80
400 to 500	60	85
500 to 600	65	90
600 to 700	70	95
700 to 800	75	100
800 to 900	80	105
900 to 1000	85	110
1000 to 1100	90	115
1100 to 1200	95	120
1200 and upwards	100	125

Foreign merchant ships, excepting those of the Imaum of Muscat.

Seventh. Foreign merchant ships, of all nations, with the exception of the ship belonging to the Imaum of Muscat, forty rupees in addition to the above rates.

Charges for transporting men of war,

Eighth. Ships of the line and of fifty guns:

	Fair Season.	Monsoon.
To or from the sheer hulk	Rupees 80	Rupees 120
From any chain or anchor to the dock	100	140
From the dock to a chain, or the ship's anchor	100	140
Hauling in or out of dock	100	140
Frigates and Sloops of War:		
To the sheer hulk, From ditto, From a chain or anchor to the dock, From the dock to a chain or anchor, Hauling into dock, Ditto out of dock	50	75

and foreign men of war, and merchant ships, British and foreign.

Ninth. All foreign men of war to pay in addition forty rupees.

Tenth. Merchant ships to pay in proportion to their tonnage. Ships of three hundred tons and under ..... Rupees 40 65

And upwards, at the rate of ten rupees for every hundred tons additional, ...

All foreign ships to pay forty rupees more than British ships, which, on three hundred tons, will be 80 105

MOORINGS.

X. *First.* A ship coming in from sea, and taking in the moorings, is not to be charged for transportation to those moorings. Charges and regulations for moorings.

Expense of the different Moorings.

		Fair Season.	Monsoon.
No. 1.	per diem	Rupees 6	Rupees 10
2.	large moorings	6	10
3.	large moorings	6	10
4.	large moorings	6	10
5.	large moorings	6	10
6.	large moorings	6	10
7.	large moorings	6	10
8.		6	8
9.		6	8
10.		6	8
11.		6	8
12.		6	8
13.		6	8
14.		6	8
15.		6	8

Second. Ships not birthed properly by the pilot will have no charge made for moving them. Ships not birthed properly will have no charge made for moving them.

Third. For the moving of ships, requiring at the Commander's request, a charge will be made according to the stated rule. For the moving of ships a charge to be made.

Fourth. Any ships taking in the chain for any time short of a day will be charged for the whole day. Ships taking in the chain for any time short of one day to be charged for the whole day.

Fifth. Ships lying at a chain in the monsoon, at the desire of any pilot, to veer away eight or ten fathoms of cable to ease the chain on the flood tide. Ships to veer away eight or ten fathoms of cable.

Sixth. Ships near the shore are not to load more than nineteen feet at spring tides, and to apply to be moved into deeper water when at that draft. Ships near the shore not to load more than ten feet.

LIGHT-HOUSE DUES.

XI. All ships and vessels, down to the burthen of twenty tons, are to pay at the rate of fifteen rupees per hundred tons per annum. Ships and vessels to pay light-house dues.

BUOY AND ANCHORAGE DUES.

XII. All vessels and boats not receiving pilots, are to pay annually according to the following rates: Buoy and anchorage dues.

From...	30 to 50 tons, annually,	Rupees 10
Above..	50 to 100 ditto	20
	100 to 150 ditto	25
	150 to 200 ditto	30
	200 to 250 ditto	35

RECEIPT AND DELIVERY OF GUNPOWDER.

XIII. *First.* All powder on private account will be received at the magazine at Mazagon, and at no other place. Powder will be received at the magazine at Mazagon.

Second. Application for receipt or delivery must be made at the office for the Commissary of Stores, in the Castle, at least twelve hours beforehand. Application for receipt and delivery to be made to the Commissary of Stores.

Magazine hours from 8 A.M. to 4 P.M.

Third. Magazine hours from eight o'clock in the morning till four in the afternoon, every day, Sundays excepted.

None will be received except in complete and unexceptionable packages.

Fourth. None can be admitted except in complete and unexceptionable packages, perfectly free from iron, and not covered. Where any are tendered which the Commissary or his people may consider objectionable, he has orders to substitute proper barrels, which will be charged to the owners.

Magazine infested with white ants.

Fifth. As the magazine is infested with white ants, it is recommended to such as may have powder to lodge, to provide themselves with teakwood barrels or boxes. The Company cannot be at any charge on account of the damage thus occasioned; and whenever it occurs, the Commissary will substitute teakwood barrels, which will be charged to the owners: and similarly, in all cases where, from decay or other causes, the packages may become objectionable.

SUPPLIES OF MILITARY STORES.

Applications for the supply of ordnance to be made to the Military Board.

XIV. *First.* All applications for the supply of ordnance or other stores to be made to the Military Board by the owner or commander of the ship, must state the voyage on which she is bound, and must be accompanied by an affidavit, sworn before and attested by a magistrate, certifying that the vessel and her cargo are absolutely and *bonâ fide* British property, or the property of persons living in a British settlement, and under the protection of the British flag, as per forms annexed, *viz.*

"To A. B., Secretary to the Military Board.

Form of letter to the secretary of Military Board.

"SIR: I beg you will be pleased to procure me an order from the Mili-
"tary Board to receive from the Commissary of Stores .....
"(specify the stores) intended for the defence of the ship ....., bound
"on a voyage to the eastward. I beg to enclose an affidavit, stating the
"ship to be British property, and will execute such other papers as may be
"necessary.

"Bombay, Sept. 16th, 1803.

"I am, &c. &c.

(Signed) "C. D."

Form of Affidavit.

Form of affidavit.

"BOMBAY.—I do hereby declare on oath, that the ship ....., to be
"commanded by Captain E. F., together with the cargo, and for the
"defence of which a supply of military stores is now requested, are abso-
"lutely and *bonâ fide* British property.

"Sworn before me, (Signed) "F. G."

"this ..... of ..... 180...

(Signed) "H. J.

"Magistrate."

Second. When these forms shall have been complied with, if the articles can be spared, a bill will be made out in the Military Board's office for their value, with the addition of fifty per cent., together with an obligation to be signed by the party in whose name the stores are supplied, binding himself to return into the arsenal, on the return of the ship to this port, the guns and musquets with which he may have been supplied, or to account for any eventual loss. The following is the

Form

Form of the Obligation.

"BOMBAY, the ..... of ....., 180...

"The President and Members of the Military Board having been pleased "to comply with my request for a supply of arms and military stores for "the defence of the ship ....., on her present intended voyage within "the Honourable Company's limits, the value of which, with fifty per cent. "advance, being Bombay rupees ....., I have deposited and "paid that sum in the hands of the Military Pay-master General, and I do "engage that the guns and musquets composing part of these supplies shall "be re-delivered into the Company's stores; and I will pay for such as shall "be lost or damaged during the time they are on board the said ship, which "is to be deducted out of the deposit made in the hands of the Military "Pay-master General, and he is, upon my producing the Commissary of "Stores' receipt for the guns and arms which I shall deliver into the "arsenal, to repay me the amount.

(Signed) "J. K." Form of obligation.

Third. The bill for the stores, and the preceding obligation, will be sent to the party applying, with a letter to the Pay-master General, requesting him to see the obligation signed, to receive the amount of the bill in cash, and to grant a receipt for money; on the production of which at the Military Board's office an order will be granted on the arsenal for the delivery of the stores, and an intimation of the amount in deposit for the guns and musquets, and of the amount of the stores sold, will be made to the office of audit. Bills for stores to be sent to the party applying.

Fourth. On the ship's return to this port, the guns and musquets supplied to her on loan must be surveyed by the Committee of Survey, whose report will be laid before the Military Board, when the full deposit for such of them as are found to be in a serviceable state will be returned to the captain or owner. One-third of the deposit for such of them as may be reported repairable will be retained by Government to defray the expense of repairs; and should any of the guns or musquets be deficient, or deemed totally unserviceable by the Committee of Survey, the full amount of the deposit for such articles will be retained by Government. Guns and musquets supplied to vessels to be surveyed on the ship's return.

Fifth. All stores, excepting guns with their carriages, and musquets, which are only to be supplied on loan, will be sold to individuals, with an addition of fifty per cent. on the prices established by the list of prices. All stores will be sold to individuals.

RULES TO BE OBSERVED ON BOARD THE HONOURABLE COMPANY'S SHIPS, WHILE TAKING IN A COTTON CARGO.

XV. *First.* Before a bale of cotton shall be shipped, oil, oil paints, and spirits of turpentine must be removed from the orlop deck to a proper place of security on the poop, and the commander must, in writing, report to the Superintendent of Marine such removal. Oil, &c. to be removed from a ship taking in cotton.

Second. No fire is to be allowed, for any purpose, in any boat conveying cotton. No fire to be allowed.

Third. No light is, on any pretence, to be allowed in the hold or on the orlop during the stowage of cotton. No light to be allowed in the hold.

Fourth. No natives of India are to be allowed to go into the hold or on the orlop during the receipt of a cotton cargo. No natives to be allowed to go in the hold.

Fifth.

No work to be allowed in the hold.

Fifth. No work is to be allowed in the hold or on the orlop after six o'clock, nor any cotton to remain on the upper or gun-decks after that time.

Officers of ship to be in the hold.

Sixth. Within a quarter of an hour of the conclusion of the day's work, all the officers in the ship must be in the hold, and see the seamen up before them, and personally attend the laying on of the hatches and scuttles, the keys of which are invariably to be kept by the commanding officer.

Ship's engine to be kept in constant readiness on the upper-deck.

Seventh. The ship's engine must be kept in constant readiness with its apparatus on the upper-deck, and a sufficient number of hands must be stationed for the duty of working it, so that there may be no confusion on an emergency.

In the event of fire, ship's bell to be rung.

Eighth. In the event of fire, the ship's bell to be rung, and immediate notice sent on shore to the Marine department.

Orders from Superintendent to be implicitly obeyed in the event of fire.

Ninth. Should such a calamity occur, the orders of the Superintendent or Master Attendant, or the other proper officers by their directions, to be implicitly obeyed.

Should cases of emergency render the suspension of any of these regulations necessary, the commander to make his application to Government.

Tenth. Should cases of emergency arise, to render the suspension of any of these regulations necessary, the commander must make his application to Government.

A copy of these regulations to be delivered to each commander.

Eleventh. A copy of these regulations printed is to be delivered to each commander whose ship is to be laden with cotton, upon his arrival, and his receipt taken for the same.

RULES FOR PRIVATE SHIPS TAKING IN COTTON,

In addition to Nos. 2, 3, 5, 6, 8, 9, to be observed on board the Hon. Company's Ships.

Vessel taking in cotton to have a spare pump.

XVI. *First.* Every vessel taking in cotton must have a spare pump over her side with a tub to receive water, and two dozen buckets with lanyards at hand.

No light to be permitted after 8 P. M.

Second. No lights to be permitted among the crew after 8 P.M., nor any other than the binnacle-light after 10 P.M.

The crew not to cook their victuals on board.

Third. The crew are not to be permitted to cook their victuals on board, but in a boat astern of the ship.

Regular watch to be kept during the night.

Fourth A regular watch must be kept during the night, above and below.

No woman to be allowed to remain on board.

Fifth. No woman is to be allowed to remain on board.

No Lascar to receive more than one month's advance.

Sixth. No Lascar shipped for any voyage is to receive more than one month's pay in advance.

Certificates to be granted to Lascars demanding them.

Seventh. Certificates, under the denomination of absent tickets, are to be granted to such Lascars as may demand them, empowering an agent to receive equal to one-third of the Lascar's pay during his absence.

All persons engaged in the shipment of Lascars to be registered at the Police office.

Eighth. All persons engaged in the provision and shipment of Lascars are to be registered at the Police office, and to take out a license for the exercise of their calling, granting to the Superintendent sufficient security.

Lascars to proceed on board their ships within twenty-four hours after the receipt of impress.

Ninth. Lascars are to proceed on board their respective ships within twenty-four hours after the receipt of their impress.

Any Lascar deserting from his ship to be subject to a year's imprisonment.

Tenth. Any Lascar having regularly received impress, who deserts from his ship while in the harbour, is to be subject to twelve months' imprisonment, to hard labour on the docks, as a convict.

Crews of ships burnt to serve out either on board the cruiser or on docks.

Eleventh. Crews of ships burnt or lost in harbour (and in all cases of burning) are to be compelled to serve out the remainder of their time either

on

on board the Honourable Companys' cruizers, or, as the case may require, upon the docks, under the most rigid restrictions, but not as convicts.

Twelfth. Commanders of ships are to furnish to the Lascars, slop, fish, &c. at fixed rates, and to be accountable to Government for failure in what shall become their duty in this respect.

Commanders of ships to furnish Lascars slop, fish, &c.

Thirteenth. Liberty is to be granted to any Lascar who may demand it, for the purpose of lodging any complaint before the Superintendent of Police for hard usage.

Any Lascar wishing to lodge a complaint before the Superintendent of Police, to be at liberty so to do.

PURCHASE OF MARINE STORES.

XVII. *First.* For stores to the value of fifty rupees ready-money must be paid.

Ready-money to be paid for stores to the value of fifty rupees.

Second. Applications for stores, to the above value, must be preferred to the Assistant to the Superintendent of the Marine, who will make out an indent, to be countersigned by the Superintendent; on the back of which the Accountant will make out a bill, which must be carried to the Paymaster, who will receive the money, and certify the same on the face of the bill. The document being then carried to the Marine Storekeeper, he will issue the articles indented for.

Applications to be made to the Assistant to the Superintendent.

Third. Applications for stores above the value of fifty rupees must be made to the Superintendent of the Marine, by presenting to him an indent on the Marine Storekeeper; which, having received his counter-signature, is to be taken to the Storekeeper or his deputy, and the stores will be issued accordingly.

Application for stores valued above fifty rupees to be made to the Superintendent of Marine.

Fourth. Bills for such stores will be made out by the Accountant, and sent by him to the Pay-master, for recovery from the parties; and if any delay occur in the payment after the expiration of a month after delivery, interest will be charged.

Bills to be made out by the Accountant.

PRICE OF STORES.

XVIII. *First.* Upon the prime cost of Europe stores, calculated at an average of the cost of stores for three years, thirty per cent. is charged; excepting only pitch and tar, on which one hundred and fifty per cent., and spars, on which one hundred per cent. is levied.

Thirty per cent. to be charged on stores.

Second. On country stores, the prime cost of which is similarly averaged, twenty per cent. is levied.

On country stores twenty per cent. is levied.

Third. Individuals who use their own Europe or country stores in the repairs of ships in docks are charged twenty per cent. upon the Company's invoice price of the former, and ten per cent. upon the price paid in the Store department for the latter.

Individuals who use their own Europe or country stores to be charged twenty per cent.

Fourth. In lieu of the per-centage which formerly was charged upon Europe and country stores belonging to individuals, and used in building vessels in the Company's dock-yards, a charge, at the rate of one thousand rupees per one hundred tons, has been substituted.

In lieu of the per-centage to be charged upon Europe stores, a charge at the rate of one thousand rupees per one hundred tons to be substituted.

PRICE OF THE LABOUR OF ARTIFICERS.

XIX. *First.* For ships requiring repairs afloat, an indent must be made on the Marine Storekeeper and countersigned by the Superintendent, for the necessary number of artificers of the description required, and the charge for the same will be the amount of pay which they receive from the Company.

Price of the labour of artificers.

REGULATIONS IN THE BOAT DEPARTMENT.

XX. *First.* For the purpose of preventing frauds, and of facilitating the unlading of the Honourable Company's regular and extra ships at the dock of Bombay, a trusty European is attached to each of the Honourable Company's luggage-boats, who is to keep an account of what is received into the craft and compare it with the ship's account, with which it must agree before the boat depart from alongside.

A trusty European to be attached to each of the luggage-boats.

Second. A trusty person from the ship to proceed likewise in the boat.

A person from the ship to proceed in the boat.

Third. Two locks to be affixed to each hatch of the boats, one key to be in charge of the person from the ship, and the other to be kept by the European belonging to the boat.

Two locks to be affixed to each hatch of the boats.

Fourth. The commander of a ship, on the day previous to his requiring craft, is to send notice to the Boat-master, stating whether it be wanted for King's stores, Company's cargo, or private trade. The craft is on no account to be laden with other goods than those for which it has been demanded.

Commander of a ship to apply for a luggage-boat a day prior to his requiring it.

Fifth. Upon the arrival of a luggage-boat at the Bunder, the Boat-master is, without delay, to apprise the different departments to which the cargo of the boat may belong, that each may immediately send a trusty person to the place of landing, where he is to receive the goods of his department, and give a receipt to the person appointed on the part of the ship.

The Boat-master to apprize the different departments of the arrival of a luggage-boat.

Sixth. As all stores, whether for the King or the Company, are, in England, conveyed to the Indiamen by the Company's boats only; so the Company's boats alone are to be employed in unlading their ships here.

Company's boats are to be employed in unlading their ships here.

Seventh. The extra ships being generally laden with the goods of numerous individuals, which it is impracticable to select without great delay and frequent injury, so as to load each boat sent to the ship with the property of one person; and complaints being constantly made by the merchants themselves, that the boats which they send off are after long detention and great expense ordered on shore empty, the goods not being at hand, it is directed, for the advantage of all parties, that all private trade be brought on shore in the Company's boats, and in no other; that, upon the landing of these goods, the warehousekeeper do give a receipt, take charge, and lodge the property in a suitable warehouse, whence the owners are to receive it upon paying the boat-hire.

All private trade to be brought on shore in the Company's boats.

Eighth. Rates of Boat-hire:

Rates of boat-hire,

No.	Names.	Tonnage.	Hire per diem.
1.	Diligence	100	Rupees 20
2.	New London	109	20
3.	Bombay	100	20
4.	Content	100	20
5.	Camel	51	16
6.	Buffaloe	59	16
7.	Backhorse	61½	16
8.	Perim long-boat	—	6
9.	Mazagon	—	—

Ninth.

Ninth. Rates of Charges for the use of the Cranes on the wharf, collected by the Boat-master; And of charges for the use of cranes on the wharf.

	Rs.	qr.	reas.
For hoisting large spars, each	2	0	0
An anchor under 20 cwt.	0	2	0
Ditto ..... above ditto	1	0	0
A gun ..... under ditto	0	2	0
Ditto ..... above ditto	1	0	0
A large bale	0	1	0
A small ditto or cask	0	0	48
A horse	0	1	0
Bullock or cow	0	1	0
A carriage or large box	0	1	0
Small packages, each.	0	0	24

Tenth. Articles conveyed in the Honourable Company's craft to pay half the amount, whether belonging to his Majesty or to merchants. Rates of payment on the Company's craft.

REGULATIONS FOR THE OFFICE OF AGENT FOR TRANSPORTS.

XXI. *First.* To give due effect to the appointment of an agent for transports, and to insure a punctual compliance with his directions, all ships chartered by Government for the public service are to be placed under the controul of that officer; consequently the master, the mates, and every person belonging to the transport, together with her boats, &c. are to be subject, in all respects to the orders of the agent, and this essential regulation is to form a clause in all future charterparties. All masters of transports to be under the agent's order.

Second. The agent is to be early apprized of the acceptance of tenders, and fully informed of the conditions upon which transports may be engaged. The agent to be apprized of the acceptance of tenders.

Third. All orders and communications with the masters of transports are to be through the agent. Orders to the masters of transports to be through the agent.

Fourth. The different offices, whence stores or provisions are to be embarked, are to transmit to the agent, as early as possible, the quantity and description of stores and provisions to be sent on board the respective transports; the agent is then to select such as, from weight or bulk, ought to be sent off first, and to apprize the heads of offices of the same, and of the time when particular articles will be wanted, to prevent confusion in the embarkation and a loss of room from bad stowage. The different offices to transmit to the agent the quantity of stores to be sent on board the transports.

Fifth. The agent is to visit the ships frequently, either when loading or unloading, and give such directions, regarding stowage or discharge of stores, as he may judge proper; in the execution of which duty he, or such officers as may be appointed to assist him, must meet with attention and obedience to their orders, as provided for in Clause first of this section; and any neglect, in this respect, of the commander or officers is to be reported by him to the Superintendent of Marine, as a breach of the charterparty. The agent to visit the ships frequently.

Sixth. It is the duty of the agent to report to the Superintendent of Marine any defect or deficiency in the hull, stores, or crew of the transports. Any defect in the transports, to be reported by the agent.

Seventh. The masters of transports are to attend at the agent's office every morning at ten o'clock, with a written report of the duty performed on board the ships under their command during the preceding day, of the cargo received or delivered, and of that which may be at the time alongside. Masters of transports to attend every morning at the agent's office.

Eighth.

Masters of transports not to quit the fort.

Eighth. Masters of transports are not to quit the fort without the permission of the agent.

Masters of transports to report to the agent the ship's arrival.

Ninth. Masters of transports, on their return from any service, are to report the ship's arrival, personally, to the agent, within two hours after their anchoring in the harbour, with a correct list of every article belonging to the Honourable Company on board, in neglect of which one day's hire of the ship is to be stopped.

The agent to clear the transports as early as possible.

Tenth. The agent is to begin clearing the transports as early as may be practicable after their return, and to ascertain from the Superintendent of Marine if their services will be longer required; and being informed that they may be dispensed with, he is to signify their discharge, in writing, to the masters, as soon as they shall have been cleared of the Honourable Company's property.

The agent to apprize the heads of departments of the stores to be landed.

Eleventh. The agent is to apprize the officers at the heads of departments of the quantity and nature of the stores to be landed, that they may be prepared to receive and remove them into their respective stores as soon as they are put on shore.

Masters of transports not to take on board any article of private trade.

Twelfth. Masters of transports are to be bound, by a stipulation in the charterparties, not to take on board any article of private cargo, without the written consent of the Government, or of the superior public authority at the ports to which they may be ordered; and, to insure the fulfilment of this condition, the masters are to deliver, upon honour, to the agent, a list of all the stores which they may require for the voyage, and of those with which they return to Bombay.

Agent to make arrangements for the accommodation of troops.

Thirteenth. When troops are to be embarked, all arrangements for the accommodation of the officers and soldiers are to be made by the agent, who is to consult with, and attend to the suggestions of the Quarter-master General.

The agent to superintend the embarkation and disembarkation of troops.

Fourteenth. It is the duty of the agent of transports to superintend the embarkation and disembarkation of troops, under the directions of the Quarter-master General.

The commanding officers of corps to report to the agent any deficiency in the accommodations on board the transports.

Fifteenth. The commanding officers of corps or detachments of corps embarked on board transports, are to report to the agent any deficiences they may find in the usual and necessary comforts and conveniences allowed to the troops on board ship, as well as any complaints they may have occasion to prefer against the masters of the transports, and it will be the duty of the agent to adopt the regular mode for remedying the complaints so made.

The agent to inform the Superintendent of any transport being ready for the reception of troops on board.

Sixteenth. As soon as the transports intended for the conveyance of troops are in every respect prepared to receive them on board, the agent is to make a report to the Superintendent of the Marine and the Quarter-master General of the army, that they may communicate the same, respectively, to Government and to the commander-in-chief.

A committee of marine officers to make allotment of the troops on board transports.

Seventeenth. Whenever any embarkation of European or native troops shall be ordered from this presidency, a committee of marine officers to be required, under the authority of Government, on receiving a report of the numbers, cast, &c. intended for embarkation, to make an allotment of the troops and followers to a ship or ships; which having done, the Superintendent of the Marine is then to allot specifically, by instructions to the captain or master of each ship or vessel, the situation and space which

is

is to be assigned for the use of the troops in their ships or vessels respectively.

Eighteenth. A copy of these directions and arrangements, on being received by Government, will be forwarded from the military department to the Commander-in-chief, or in his absence to the officer commanding at the presidency station, who will cause copies of the distribution and allotment of accommodation to be furnished to the senior military officer proceeding on the ship or ships respectively.

A copy of these directions to be forwarded to the Commander-in-chief.

EUROPEAN GENERAL HOSPITAL.

XXII. The commanders of all merchant ships may send sick or hurt Europeans to the European General Hospital, with a note to the surgeon, and one rupee for each man per diem is the charge for all expenses of diet, medicine, &c.

Commanders of ships to send to the European hospital any Europeans sick or hurt.

NATIVE GENERAL HOSPITAL.

XXIII. The commanders of all merchant ships may procure admittance to this hospital for sick or hurt natives of their crews, upon application to the Medical Board or to the Superintendent of Police, the charge for all expenses, of every description, being limited to eleven rupees and one-quarter per mensem.

Native hurt or sick to be sent to the native hospital.

INDIAN-BUILT SHIPS BOUND TO EUROPE.

XXIV. *First.* Besides the master and mates, an Indian-built ship bound to England must have for her crew in the proportion of eight seamen if European, or twelve if natives of Asia or Africa, to every one hundred tons; and without a crew in this proportion, the ship will not be permitted to quit the port.

Indian-built ships bound to Europe how to be manned.

Second. The owners must provide and have ready for survey, ten days before the ship's departure, the following quantity of clothing for each native of Asia or Africa belonging to the crew; and if the committee of examination should disapprove of any articles, they must be changed.

Clothing to be provided for the crew. Penalty for not providing the same previously to the ship's departure.

One Set for each Person, to consist of the following Articles:	*Penalties for not providing the same:*
Four yards of Europe red or blue cloth for each man; that is, one jacket and one pair of trowsers with feet, to be made up either in this country or on board, at the option of the commanders of the ships, say at two and half rupees per yard	Bombay Rupees seven, for each jacket or pair of trowers deficient.
Two caps.....	Bombay Rupee one and eight annas, for each cap deficient.
Two pair of mittens.....	Bombay Rupees four, for each pair of mittens deficient.
One pair of trowsers with feet, of country blanketing	Bombay Rupees two.
One jacket of ditto	...Bombay Rupees two.
One pair of shoes.....	...Bombay Rupees two.

One bed, to consist of three country blankets sewed together, with a pillow stuffed with blanketing	Bombay Rupees four.
One blanket	Bombay Rupee one.
One canvas bag to contain the cloths	Bombay Annas eight.

And in Europe upon the arrival of the ship.

Third. Clothing to be provided for the use of the seamen immediately upon the arrival of the ship in England:

One jacket of coarse woollen cloth,
Two pair of trowsers of coarse woollen cloth,
Two Guernsey shirts,
Two pair of stockings,
Two caps,
Two pair of mittens,
One pair of shoes.

Airy and commodious births to be provided for the crew.

Fourth. Airy and commodious births must be provided for the crew, which will be surveyed by the proper officers in the marine department, who may direct their alteration or enlargement as circumstances may appear to them to require.

Security to be given for lascars impressed on board foreign ships not becoming chargeable to the Company.

Fifth. As several Lascars and other natives of India have been landed at the Cape of Good Hope from recaptured country ships, in consequence of which the Honourable Company have been put to considerable expense by maintaining the Lascars, &c. so landed, and returning them to India, and as circumstances of a similar nature may frequently occur, and the Company be subject to very heavy expense in respect to country or foreign ships; it is hereby provided that security shall be taken from the owners or agents of all such ships as may be cleared out at this presidency, at the rate of eight hundred rupees on one-fourth of the crew, or ten thousand rupees on a crew of fifty, to indemnify the Company from all expense which may be incurred by them in consequence of any of the native seamen that may eventually be impressed on board being landed at any of the British colonies, in any part of the United Kingdom, or other places, on the occasion of the capture or loss of any such country or foreign ship, or from any other cause, and the native seamen thereby becoming a charge on the East-India Company.

To be taken by the Company's Solicitor.

Sixth. A week before each ship's departure a numerical descriptive list of her crew shall be delivered to the Master Attendant, for the purpose of enabling the Company's Solicitor to take the prescribed security and hand it up to the Government.

The security to remain as a deposit in the treasury at interest, and to be refunded on the return of the party to India.

Seventh. The security will remain as a deposit in the Honourable Company's treasury, either wholly or in part as the case may be; and be redeemable, with interest at the rate of six per cent. per annum, on return of the parties on account of whom the security shall have been taken, or on the production of a formally authenticated certificate of their death.

A. D. 1811. REGULATION I.

A Regulation *vesting the Resident at Fort Victoria with Powers to hear and determine Civil Suits to a certain Extent, and with magisterial Authority for the Apprehension and Trial of Persons charged with Crimes or Misdemeanors:* Passed *by the Governor in Council on the 24th of September* 1811 *(corresponding with the 7th Asswin Sood, Vickramajet or Sumbut Era* 1867; *Salbahan,* 1733; *and 5th Ramzun,* 1226 *Hejry).*

Preamble.

I. Bancoote, and Himutghur or Fort Victoria, as it was subsequently named, was taken possession of, in the name of the East-India Company, on the 10th of January 1756; and on the 26th of the following month of April, certain articles of agreement were concluded at Fort Victoria, by William Andrew Price, Esq. the British Resident, with Ramajee Punt, in behalf of Nanna, the Marhatta General, for settling the limits of the Honourable Company's possessions in that quarter, in pursuance of which, the Marhattas engaged to deliver over to the Honourable Company the villages of Velass Bag, Mandla, Vessavee, Chippola, Coorg, Pundaree, Penwa, Dasghaum, and Combla. That engagement was confirmed by the treaty concluded at Poona with the Paishwa, on the 12th of October 1756; by which instrument Fort Victoria, and its nine dependent villages, were made over to the Honourable Company for ever inclusive of the royalty over the river of Bancoote, in exchange for the fort of Gheriah and its districts, as taken by the English from Toolajee Angria, on the 13th of February of that year. In the instructions issued to the Resident on the acquisition of that dependency, no provision was made for the administration of justice within the limits of his authority. It would appear, however, that the Residents were in the practice, in matters of a criminal nature, to seize the offenders, and to forward them for examination and trial by his Majesty's Justices at Bombay, at the same time that a discretionary power was vested in the Resident to expel persons of a suspicious character, subject to the infliction of severe penalties in the event of their return. This practice continued until the 29th of July 1803; when it having been judged expedient to extend the jurisdiction of the court established for Salsette, Caranja, &c. to Bancoote and its dependencies, public notice thereof was given, and the measure formally sanctioned by Regulation III, 1803; it having been moreover directed, that the court should be adjourned to those districts for twenty days in each year. Inconveniences still continuing to be experienced in cases requiring promptitude of decision in the apprehension and commitment of offenders, it was ordered, under date the 6th of August 1808, that the Resident should act in charge of the Police department, "as being at once the most efficacious and regular "medium" for the attainment of those objects. The extent of the powers intended to be vested in the Resident, as in charge of the Police department, was not, however, on that occasion defined; and doubts having been since entertained in respect to its extent, and whereas many daring outrages against the peace of society have been recently committed, which have forcibly proved the necessity of establishing a more efficient and local control

than

than can be exercised under Regulation III. 1803, the following rules have been accordingly enacted.

The Resident at Bancoote empowered to take cognizance of all suits, and to the extent of one hundred rupees.

His decisions appealable to the Judge for the division of Salsette.

II. The Resident at Bancoote is empowered to take cognizance of all suits and complaints of a civil nature in which the cause of action shall not exceed the sum of one hundred rupees, his decisions being, in all cases, appealable to the Judge for the division of Salsette; regulating his proceedings according to the formalities prescribed by Regulations III. and IV. 1799.

Vested also with magisterial powers.

But not to exercise the same without taking the prescribed oaths.

III. The Resident is also vested with magisterial powers, and authorized to exercise the same conformably to the provisions contained in Regulation V. 1799. Previously, however, to his entering upon the execution of the duties of a Magistrate, he shall take and subscribe before the Governor in Council the oath prescribed in Section II, of that Regulation. Persons committed or held to bail by the Resident being remanded to Tannah to take their trial before the Court of Circuit.

A. D. 1811. REGULATION II.

A REGULATION *for vesting the Assistant to the Collector of Caranjah with magisterial Powers, and with Authority to settle pecuniary Differences to a certain Extent:* PASSED *by the Honourable the Governor in Council on the 22d of October* 1811 *(corresponding with the 5th Cartick Sood, Sumbut or Vekramajet Era* 1868; *Salbahan,* 1833; *and 2d of Shaval,* 1226 *Hejry).*

I. BY Regulation III. 1799, a court of justice with civil and criminal jurisdictions was established in and over Caranjah. The inhabitants of that island, however, having experienced considerable inconvenience by being compelled to proceed to Tannah for the settlement of trifling disputes, or otherwise to await the arrival of the Magistrate at Caranjah, whilst from its insular situation all communication with it is closed for three months in each year; and whereas it is essential, for these reasons, to establish a more prompt and local administration of justice, particularly of a magisterial nature, the following regulation is accordingly enacted.

II. The magisterial and judicial powers vested by Regulation I. 1811, in the Resident at Bancoote, are vested in, and to be exercised by the Assistant Collector of Caranjah, in the manner prescribed by that Regulation, with the exception of the amount of civil suits cognizable by the Assistant Collector, which is limited to fifty rupees instead of one hundred; an appeal lying to the Judge at Tannah, as in the instance of the decisions by the Resident at Bancoote.

A. D. 1812. REGULATION I.

A REGULATION *for the Trial of Persons charged with Crimes against the State:* PASSED *by the Honourable the Governor in Council on the 3d of June* 1812 *(corresponding with the 9th Vaisack Vud, Sumbut or Vekramajit Era* 1868; *Salbahan,* 1734, *and 22d Jumada-ul-avul,* 1227 *Hejry).*

I. WHEREAS, under the rules established for the ordinary administration of criminal justice, the trials of persons charged with offences are held before one Judge of the Court of Circuit and the law officer appointed to sit with him; and whereas, in particular cases, when the crime charged may be treason, rebellion, or other offence against the state, it may be expedient that the persons so charged should be brought to an immediate trial before all the Judges of the Court of Circuit, or before a special court to be convened by the executive Government for that purpose, the following rules have therefore been enacted.

Court of Circuit or other special court to take cognizance of crimes against the state.

II. Treason, rebellion, or other crime against the state, shall in all cases be cognizable before all the Judges of the Court of Circuit, or before any other special court which Government may be pleased to appoint for that purpose, consisting of three Judges and two Mahomedan law officers, or such other number of Judges and law officers as may be thought proper.

Courts so convened to proceed in the ordinary manner, and to exercise all the powers vested in the Court of Circuit, except that their sentences are to be reported to the superior tribunal of the Governor in Council, previous to their being carried into execution.

In all cases not provided for by the Regulations, to be guided by special orders.

III. The courts convened under the preceding section, whether composed of the Judges of the Court of Circuit or otherwise, are to try the prisoners brought before them, in the same manner as they would have been tried before the ordinary courts; and shall exercise all the powers and authorities vested in the Court of Circuit by the Regulations, except that their sentence, whether of acquittal or punishment, shall in every instance be reported with their proceedings to the superior tribunal of the Governor in Council previous to carrying the same into execution; and they are to be guided, as to the place where they are to assemble, the persons to be tried by them, and all other particulars not provided for in the Regulations, by the special orders which they may receive from the Government.

Provisions for the death or absence of any of the Judges, or the law officers of the court.

IV. In case of the death, or of the absence, from indisposition or other cause, of any of the Judges or law officers of the Courts which may be appointed to try offenders under this Regulation, the remaining Judge or Judges, or law officer or officers, shall be competent to form a court, and proceed with the trial or trials, until provision can be made by the Governor in Council for supplying the place of such Judge or Judges, or law officer or officers, if any such provision shall be deemed necessary; or, if no such provision be made, the powers and proceedings of the said courts shall not be affected by the death or absence of such Judge or Judges, or law officer or officers, any more than if the same had never taken place.

The superior tribunal of the Governor in Council to proceed according to the rules in force with respect to other trials referred to them.

V. The superior tribunal of the Governor in Council, on the receipt of any trials referred to them under this Regulation, are to proceed thereupon according to the rules in force, with respect to other trials referred to them.

Magistrates to assist in expediting the trials, and bringing offenders to justice.

VI. The Magistrates of the several zillahs are enjoined to give their utmost assistance in expediting the trial of all persons charged with the crimes mentioned in this Regulation; and in the event of any person or persons being charged with such crimes before them in the first instance, they are to give immediate notice thereof to the Governor in Council, for his orders.

A.D. 1812. REGULATION II.

A REGULATION *for empowering the Judges of the Zillah Courts, the Magistrates, the Provincial Court of Appeal and of Circuit, the Collectors of Revenue and of the Customs, and Commercial Residents, to propose Regulations regarding Matters coming within their cognizance, respectively:* PASSED *by the Honourable the Governor in Council on the 3d June* 1812 *(corresponding with the 9th Vaisack Vud, Sumbut or Vekramajit Era,* 1868; *Salbahan,* 1734; *and 22d Jumade-ul-avul,* 1227 *Hejry).*

I. THAT the Governor in Council may be apprized of such general or local Regulations as the Magistrates, or any of the civil or criminal courts of judicature, or any of the Judges of those courts, or the Collectors of Revenue and of Customs, or the Commercial Residents, may deem it advisable to adopt, respecting matters coming within their cognizance; and at the same time to prevent any such regulations being suggested until they have been duly considered; and that all regulations that may be proposed by the Judges of the Zillah Courts or the Magistrates, may be submitted to the Governor in Council, with the opinions of the provincial Court of Appeal or Court of Circuit respecting them, the following rules have been enacted.

Magistrates, and the civil and criminal courts, and Collectors of Revenue and Customs, and Commercial Residents, empowered to propose Regulations.

II. The Judges of the Courts of Adawlut established in the several zillahs, both in their capacity of Judges of those courts and as Magistrates, and the Magistrates at Fort Victoria and Caranja, the Judges of the Provincial Court of Appeal, in their capacity of Judges of that court and as Judges of the Court of Circuit, the Collectors of Revenue and of Customs and Commercial Residents, are respectively empowered to propose Regulations regarding any matters coming within their cognizance, under the rules hereafter prescribed.

Rules to be observed by the Judges and Magistrates of the zillahs in proposing Regulations.

III. If a Judge of a Zillah Court or a Magistrate shall deem it advisable to propose any Regulation, he is to draft it in the form, and agreeably to the rules prescribed in Regulation I. 1799, for drafting Regulations passed by the Governor in Council, and to submit the Regulation so drafted to the provincial Court of Appeal or the Court of Circuit, according as the matter to which the Regulation may relate may be of a civil or criminal nature.

Regulation how to be forwarded to the provincial Court of Appeal or the Court of Circuit.

IV. The Regulation so drafted is to be transmitted by the Register or the Assistant to the Judge or Magistrate, with a copy of his order for forwarding the Regulation to the provincial Court of Appeal or of Circuit, attested with the official seal of the court, or the Magistrate, and the signature of the Register

Register or Assistant, under a cover addressed to the Register of the provincial Court of Appeal or the Court of Circuit.

Register to the provincial Court of Appeal or Court of Circuit to lay the Regulation before the court. Court to take it into consideration, provided it be properly drafted and transmitted; otherwise, to order the Regulation to be returned in the manner herein directed.

V. The Register to the provincial Court of Appeal and Circuit is to submit the Regulation to the court, who are to proceed to take it into consideration, provided it be drafted and transmitted in the manner prescribed. If the Regulation shall not be so drafted and transmitted, they are to make an order of court for the return of it to the Judge or Magistrate; in which shall be concisely stated, wherein the prescribed rules for drafting and transmitting the Regulation have not been observed, and the Register is to return the Regulation, accompanied by the order of the court, attested with his official signature and the seal of the court, to the Register or Assistant to the Judge or Magistrate, by whom the Regulation may have been proposed. The Judge or Magistrate is to conform to the observations contained in the order, and to direct his Register or Assistant to return the Regulation to the Register to the provincial Court of Appeal or the Court of Circuit, who are to proceed to take it into consideration.

Judge or Magistrate to draft and transmit the Regulation as prescribed.

Provincial Court of Appeal or Court of Circuit how to proceed, if they approve or disapprove of the Regulation entirely.

VI. If the court shall approve or disapprove of the Regulation altogether, they are to forward the draft of it to the Secretary in the Judicial department, with a letter stating the grounds of their approval or disapproval.

Or in part only.

VII. If the court shall approve of the Regulation in part only, they are to forward an attested copy of the proposed Regulation as submitted by the Judge or Magistrate of the zillah, and a separate draft of the Regulation framed agreeably to their own opinion, with a letter stating at large the reasons which may have induced them to suggest the alterations in the proposed Regulation.

Or in case a difference of opinion shall arise respecting it.

VIII. If a difference of opinion shall arise amongst the Judges of the court regarding the proposed Rsgulation, each Judge is to be at liberty to record his opinion on the proceedings of the court, together with a draft of the Regulation framed agreeably to his opinion; unless he shall approve or reject the proposed Regulation altogether, in which case he is only to state the grounds of such rejection or approval on the proceedings of the court. The court are to submit the Regulation proposed by the Judge or Magistrate, with their own proceedings respecting it, to the Governor in Council.

Provincial Court of Appeal and of Circuit not to communicate to the Judge or Magistrate their opinion on the Regulation which he may propose to them.

IX. The provincial Court of Appeal and the Court of Circuit is not to communicate to any Judge or Magistrate the grounds on which they may approve, reject, or alter the draft of the Regulation which he may propose; but the Governor in Council, upon the draft being submitted to him by the provincial Court or Court of Circuit, may require information on any points immediately from the Judge or Magistrate by whom the Regulation may have been proposed, but not through the medium of the provincial Court of Appeal or Court of Circuit, and in such cases they are to submit their queries, and the answer of the Judge or Magistrate, with the other documents regarding the Regulation, to the Governor in Council.

Provincial Court of Appeal and of Circuit, or any one or two of the Judges of those courts, may propose Regulations.

X. The provincial Court of Appeal and the Court of Circuit, or any one or two of the Judges of those Courts, may propose a Regulation drafted in the manner prescribed. If the Regulation shall be proposed by the court collectively,

How to proceed if the Regulation be proposed by the court collectively, or if it be proposed by one or two Judges, and it be approved unanimously, or a difference of opinion shall arise respecting it.

collectively, or by one or two of the members, and the court shall approve of it unanimously, they are to forward the draft to the Governor in Council. If a difference of opinion shall arise in the the court regarding a Regulation proposed by one or two of the Judges, the Judges are to record their sentiments on the proceedings of the court, with a draft of the Regulation framed agreeably to their respective opinions; unless any one or two of the Judges should be of opinion that the proposed Regulation ought to be adopted or rejected altogether, in which case such Judge or Judges shall only state the grounds of his or their opinion on the proceedings of the court, which are to be forwarded to the Governor in Council.

Governor in Council to return to the provincial Court of Appeal or of Circuit any Regulations originating with them that they may submit, and which may not be drafted in the prescribed form.

XI. Where a Regulation originating with the Court of Appeal or of Circuit shall be submitted to the Governor in Council, and which may not be drafted in the prescribed form, the same shall be returned to the court from which it was sent, with a notice of the deviation from the form in that respect established, and the court which may have submitted the Regulation is to return the draft so corrected, agreeably to the directions of the Governor in Council.

The Governor in Council will reject or adopt the proposed Regulation, or pass such Regulation as may appear to him proper.

XII. The Governor in Council will reject or adopt any Regulation that may be submitted to him under this Regulation, or pass such Regulation as may appear to him proper.

Collectors of Revenue and of Customs and Commercial Residents how to submit Regulations touching their respective departments.

XIII. The Collectors of Revenue and of Customs and Commercial Residents being empowered to propose Regulations touching matters coming under the proper cognizance of their respective departments, are to submit the same to the consideration of the Governor in Council, through the medium of the provincial Court of Appeal and Circuit, drafted and prepared in the manner and form directed in Regulation I. 1799.

A.D. 1812. REGULATION III.

A REGULATION *for abolishing the Court of Session at Salsette, and for extending the Jurisdiction of the Provincial Court of Circuit and Appeal to the Northward over that Zillah, for removing the chief Residence of the Court of Circuit and Appeal from Broach to Surat, and for abolishing the Situation of the Assistant Judge at Surat:* PASSED *by the Governor in Council on the 17th of June* 1812 *(corresponding with the 8th Jest Sood, of Sumbut or Vekramajit Era,* 1868; *Salbahan,* 1734; *and the 7th of Jamade-ul-Akhur,* 1227 *Hejry).*

Preamble.

I. A VARIETY of judicial acts having been resolved on by the late Government, which have not yet been promulgated in the form prescribed by Section II, Regulation I. 1799, the following enactment is passed accordingly.

The situations of President and Register of the Court of Session at Tannah abolished.

II. The power of the Court of Session, as vested in the junior member of the Government, having been superseded on the 5th of December 1810, and the situation of Register abolished, Section III, Regulation I. 1807,

The jurisdiction of the provincial Court of

is rescinded, and the jurisdiction of the provincial Court of Circuit and Appeal

Appeal extended over the zillah of Tannah, thereby transferring also suits in Appeal, as prescribed by Section XIX., Regulation III. 1799, to be made to the Sudder Adawlut to the provincial Court of Appeal. Circuit and Appeal extended over Salsette.

III. The seat of the provincial Court of Circuit and Appeal was, on the 5th of December 1810, removed from Broach, and permanently fixed at Surat, as being more centrical between the two extremes of its jurisdiction. The seat of it removed to Surat.

IV. The situation of Assistant Judge of Surat having been reduced on the 5th of December 1810, Clauses 1st and 2d of Section IV., Regulation II. 1808, are rescinded. The situation of Assistant Judge of Surat abolished.

A. D. 1812. REGULATION IV.

A Regulation *respecting Appeals from the Court of Sudder Adawlut to His Most Excellent Majesty and his Most Honourable Privy Council:* Passed *by the Right Honourable the Governor in Council on the 2d of September* 1812 *(corresponding with the 12th Shravan-vud, Sumbut or Vekramajit Era,* 1868; *Salbahan,* 1734; *and 25th Shaban,* 1227 *Hejry).*

I. Whereas, by the twenty-first Section of the Act 21 George III., Cap. LXX., it is provided, that "whereas the Governor General in Council, or "some Committee thereof or appointed thereby, determine on appeals and "references from the country or provincial courts in civil causes; be it "further enacted, that the said court shall, and lawfully may, hold all such "pleas and appeals in the manner, and with such powers as it hitherto hath "held the same, and shall be deemed in law a court of record; and the "judgments therein shall be final and conclusive, except upon appeal to "His Majesty in civil suits only, the value of which shall be five thousand "pounds and upwards;" and whereas it is enacted, by the fourth Section of the Act 47th George III., Cap. LXVIII., that "it shall and may be "lawful to and for the Governor in Council at Bombay to frame Regulations, "from time to time, for the provincial Courts and Councils within the "territories and provinces which now are, or shall at any time hereafter be "(and while the same shall so be) annexed to or made subject to the said "presidency, in like manner, and subject to all the regulations, provisions, "and confirmations touching the same, as the Governor General in Council "at Fort William are, by any act now in force, authorized and empowered "to do, for the better administration of justice among the native inhabitants "and others, being within the provinces of Bengal, Bahar, and Orissa;" and whereas, by the Regulations heretofore passed by the Governor in Council of Bombay for the institution of the general courts of justice of Salsette, Surat, Broach and Kaira, for the trial of civil suits, an appeal from the decision of either of those courts, and from that of the provincial Court of Appeals is allowed of to the Sudder Adawlut at Bombay, but to no other ultimate tribunal, and whereas it is expedient to establish rules for regulating appeals from the said court of Sudder Adawlut to His Majesty in Council, as well for the information of the parties who may be desirous to appeal, as Preamble.

for the guidance of the said court in receiving and forwarding such appeals; in pursuance of, and by virtue of the said above-recited Acts of Parliament, the following rules have been enacted.

Petitions of appeal to the King in Council shall be prseented to the Sudder Adawlut within six months; and such appeal to be admitted, provided the judgment appealed against shall, exclusive of costs, amount to 5000£ sterling.

II. All persons desirous of appealing from a judgment of the Court of Sudder Adawlut to the King in Council are required to present their petition of appeal to that court within six calendar months from the date on which the judgment appealed against may have been passed; under which provision, and provided also the judgment appealed against shall, exclusive of the costs of suit, be to the value of five thousand pounds (to be calculated as hereafter mentioned) the Court of Sudder Adawlut are to admit the appeal, and proceed upon it as directed in the following section of this Regulation, under the several restrictions therein prescribed.

Appealable sum to be computed at the rate of eight Bombay or Surat rupees per pound sterling.

Value of property to be computed according to the general rules prescribed in like cases for the guidance of the Sudder Adawlut.

III. For the purpose of determining what causes are appealable to His Majesty in Council, under the limitation of five thousand pounds and upwards, the pound sterling shall be computed at the rate of eight Bombay or Surat rupees per pound sterling, and consequently making five thousand pounds equivalent to forty thousand Bombay or Surat rupees. Under this computation, the value of the property constituting the subject of the judgment appealed against is to be determined according to the nature of such property, whether land, money, effects, or otherwise, according to the general rules prescribed in like cases for determining the value of the same property, when constituting the cause of action in the Sudder Adawlut, and the several civil courts subordinate thereto.

The court may either order their judgment to be carried into execution, taking security from the party in whose favour the decree may have been passed to abide the event of the appeal, or suspend the execution, taking the like security from the party left in possession.

Appellant in all cases to give security for payment of costs, and for the performance of the final order or judgment on the appeal.

Appeal to be declared admitted, on receiving such security, and notice to be given to the parties to prosecute and defend the same, according to the established mode of proceeding.

IV. In cases of appeal to His Majesty in Council, the Court of Sudder Adawlut may either order the judgment passed by them to be carried into execution, taking sufficient security from the party in whose favour the same may be passed, for the due performance of such order or decree as His Majesty, his heirs or successors, shall think fit to make on the appeal, or suspend the execution of their judgment during the appeal, taking the like security, in the latter case, from the party left in possession of the property adjudged against him; but in all cases security is to be given by appellants, to the satisfaction of the Sudder Adawlut, for the payment of all such costs as the said court may think likely to be incurred by the appeal, as well as for the performance of such order or judgment as His Majesty, his heirs or successors, may think fit to give thereupon; and after receiving such security the Court of Sudder Adawlut are to declare the appeal admitted, and to give notice thereof to the appellant and respondent respectively, that they may take measures, the one to prosecute, the other to defend the cause in appeal before His Majesty in Privy Council, according to the established mode of proceeding in similar cases.

In all cases of appeal, two copies of all proceedings to be prepared in English, and transmitted under the official seal and signature of the Register to the Governor in Council, to be forwarded to His Majesty in Council.

V. In all cases wherein the Sudder Adawlut may admit an appeal to the King in Council, they are to cause two exact copies to be made of all the proceedings held and judgments or orders given in the case appealed, including the whole of the evidence and documents (translated into English, if the original documents be in any of the country languages), and are to transmit the same as soon as prepared, under their official seal and the signature of their Register, to the Governor in Council, for the purpose of being forwarded, by the first secure and separate conveyances, to His Majesty in Council.

Council. The Register to the Sudder Adawlut shall also, on the application of the appellant or respondent, furnish him or them with one or more copies of the proceedings held, and judgments or orders passed in the case appealed, provided they respectively agree to defray such expense as may be incurred thereby, but not otherwise; and the Register is not to deliver such copies, when prepared, without the previous payment of the expense incurred thereby, the amount of which is to be carried to the credit of Government, by whom the necessary expenditure on that account will be made in the first instance.

The parties also to be furnished with copies of the proceedings on applications, provided they agree to pay the expense of preparing the same.

VI. In case the judgment appealed from shall have been passed in pursuance of any local Regulation or Regulations enacted by the Governor in Council, or in case any such Regulation shall have been referred to in the judgments passed by any of the courts, wherein the cause appealed from may have been tried and decided, copy of such Regulation or Regulations, or an extract therefrom containing all that has reference to the matter at issue, shall be annexed to the several copies of the proceedings prepared in conformity to the preceding section, whether for delivery to the parties or for transmission to His Majesty in Council.

Copies of any local Regulation under which the judgments may have been passed, or which may have been referred to, to accompany the proceedings.

VII. Provided always, that nothing in this Regulation is to be understood to bar the full and unqualified exercise of His Majesty's pleasure upon all appeals to him from the decisions of the Sudder Adawlut, either in rejecting any he may consider inadmissible, or in receiving any he may judge admissible, notwithstanding the provisions made in the Regulation, which has reference to the local jurisdiction only, and particularly to that of the Sudder Adawlut, as a necessary rule for their guidance, subject, in the whole of its provisions, to the ultimate determination of His Majesty in Council.

Nothing herein contained to be understood to bar the exercise of His Majesty's pleasure upon all appeals to him, either in rejecting or admitting such as he may think proper.

A. D. 1812. REGULATION V.

A Regulation *for extending certain Parts of Regulation* II. 1808, *to the Zillahs of Kaira and Broach:* Passed *by the Governor in Council on the* 16*th of December* 1812 *(corresponding with the* 13*th Margseer Sood, Sumbut or Vekramajit Era,* 1869; *Salbahan,* 1734; *and* 11*th Zilhuz,* 1227 *Hejry).*

I. With the view of expediting the decision of civil causes depending in the zillah of Surat, the Judge was empowered, by Clause third, Section IV., Regulation II. 1808, to grant an extension of authority to his Register, in respect to the amount of the suits referrible to him; and by Clause fourth, to vest the Assistant to the Register with authority to try causes of the description, and to the amount prescribed by Section III., Regulation X., 1802. The Judge was moreover empowered, by the fifth and sixth clauses, to appoint a Sudder Ameen, or head native referee, and two inferior Ameens or referees, to sit at the Adawlut on references from the Judge, in suits of the descriptions therein specified. By Section V. the powers conferred by Clause third, Section IV., were also granted to the Register in the zillah at Broach; the Judge of which court was moreover authorized to nominate a Sudder

Sudder Ameen, or head native referee, with the like powers as are described in Clause fifth of the last-mentioned section in respect to Surat. But the judicial authority vested in the Assistant to the Register to the Adawlut at Surat was not granted to the same officer at Broach; nor was the Judge at that station empowered to nominate the inferior Ameens or referees, as provided for, in respect to Surat, by Clause sixth, Section IV., Regulation II. 1808; nor have any of these provisions been rendered applicable to the zillah at Kaira, in the form prescribed by Regulation I. 1799. As, however, the inducements that led to the extension of the judicial authority, as above described, at Surat and Broach, apply equally to the zillah at Kaira, and as it is desirable that the Regulations for the administration of justice in those courts should be established on one uniform system, the following rules have been enacted.

II. Clause third, and the subsequent clauses of Section IV., Regulation II. 1808, and the other provisions of that Regulation that do not already extend to the zillah of Kaira, are rendered applicable to that court.

III. Clauses fourth and sixth, Section IV. of the same Regulation, are likewise rendered applicable to the court of Broach.

A. D. 1812. REGULATION VI.

A REGULATION *for hearing Appeals from Decisions of the several Zillah Courts, defining the Powers and Duties of the Court of Appeal, and prescribing Rules for receiving and deciding upon Appeals, and other Causes of which it is declared to have cognizance:* PASSED *by the Right Honourable the Governor in Council on the* 16*th of December* 1812 *(corresponding with the* 13*th Margseer Sood, Sumbut or Vekramajit Era,* 1869; *Salbahan,* 1734; *and* 11*th Zilhuj,* 1227 *Hejry).*

Preamble.

I. ON the 7th of May 1805, as declared in Clause first, Section III., Regulation II. 1805, a Provincial Court of Appeal in civil cases was instituted for the division of Broach, and generally comprehensive, also, of the several territorial acquisitions referred to in the preamble to that Regulation: and it was further directed, by Clause second, Section VI., Regulation II. 1808, that the process of the Court of Appeal was to be conducted in general conformity to the letter and spirit of the several provisions in Regulation VII. 1800, subject to such further rules as might in this respect be passed: it being, however, expedient that a specific Regulation should be promulgated for hearing appeals from the decisions of the several zillah courts, the following rules have been accordingly enacted.

Constitution of the Provincial Court of Appeal.

II. The Provincial Court of Appeal shall be composed of three Judges, to be styled the first, second, and third Judge; and every Judge, previous to entering upon the execution of the duties of his office, is to take and subscribe the following oath before the Governor in Council, or any person whom he may commission to administer it.

" I, A. B.

Oath to be taken by the Judges.

" I, A. B., appointed Judge of the Provincial Court of Appeal " ....., solemnly swear, that I will administer justice conformably to the Regulations that have been or may be " passed by the Governor in Council, according to the best of my ability, " knowledge, and judgment, without fear, favour, promise, or hope of " reward; that I will not receive, directly or indirectly, any present or " nuzzer, either in money or effects of any kind, from any party or person " whomsoever, on account of any suit to be instituted, or which may be " depending, or has been decided in the Court of Appeal of which I am " appointed a judge; that I will not knowingly permit any person or " persons under my authority, or in my immediate service, to receive, " directly or indirectly, any present or nuzzer, in money or effects of any " kind, from any party or person whomsoever, on account of any suit to be " instituted, or which may be depending, or has been decided in the court: " that I will render a true and faithful account of all sums of money that " may be paid into the court, or disbursed from it; that I will not be concerned, directly or indirectly, in the purchase of goods or commodities in " the British dominions under the presidency of Bombay, for the purpose " of remitting money to Europe, or in any commercial transaction, and that " I will not derive, directly or indirectly, any emoluments or advantages " from my station, excepting such as the orders of Government do or may " authorize me to receive.—So help me God."

Jurisdiction of the court.

III. The jurisdiction of the Provincial Court of Appeal is to extend over the zillahs of Salsette, Surat, Broach, and Kaira.

Courts to be held in a large room, three days in each week, or oftener if necessary.

No decree, order, &c. &c. to be made, but on court days, and in open court.

IV. The court is to be held in a large and convenient room, three days in every week, or oftener, if the business shall require it; and no rule, order, proceeding, or decree, is to be made but on court days, and in open court.

Seal of the court.

V. The Provincial Court of Appeal is to use a circular seal of two inches in diameter, with an inscription to the under-mentioned effect, in the Persian and Guzerattee languages: " The seal of the Provincial Court of " Appeal."

Provincial court to try cases referred to them by the Sudder Adawlut, and to order their decrees to be enforced by the Zillah Courts.

VI. The Provincial Court of Appeal is empowered to try and determine, in the first instance, any suit or complaint, or any matter whatever of a civil nature, which may be transmitted to them for that purpose by the Sudder Adawlut; and to order the decree which they may pass to be executed by the Judge of the proper Zillah Court, in the same manner as the decrees of the Zillah Courts are directed to be enforced.

Cases in which the Provincial Court of Appeal is empowered to refer original suits to the Zillah Courts to be tried and determined.

VII. The Provincial Court of Appeal is empowered to receive any original suit or complaint which may be cognizable in any Zillah Court within its jurisdiction, and to command the Judge of such Zillah Court, by a precept under the seal of the court and attested by the Register, to receive the suit or complaint, and to proceed to hear and determine it; provided proof shall be previously made to their satisfaction, that the Judge refused or omitted to receive or proceed in it. If the plaintiff shall refuse or neglect to proceed in the suit or complaint for the space of six weeks after the order of the Provincial Court of Appeal may be received by the Zillah Court, the Judge is

Suit or complaint to be dismissed, if the party preferring it shall omit or refuse to proceed in it for six weeks.

authorized to dismiss it, notwithstanding the order of the Provincial Court of Appeal. In such cases, the Judge, within one week after the dismission of the suit, is to certify to the Provincial Court of Appeal, under his hand and the seal of the court, that the suit or complaint has been dismissed, and the grounds of the dismission.

Judge to notify the dismission of the suit to the Provincial Court.

Cases in which the Provincial Court may receive petitions respecting suits or matters depending, or which may have been decided in any Zillah Court.

Provincial Court how to proceed with such petitions.

VIII. The Provincial Court is empowered to receive any petitions respecting suits or matters that may be depending, or have been decided in any Zillah Court within its jurisdiction; and provided it shall be proved, to the satisfaction of the court, that the petition was presented, or that due means were used to effect its being presented to the Judge, and that he refused or omitted to receive it and proceed on it, or in the last mentioned case, that undue means were used by any of the officers of the court to prevent the petition being presented, the court is empowered to issue a precept, under the seal of the court and attested by the Register, commanding the Judge to receive the petition, and to proceed respecting it according to the Regulations.

Court of Appeal not to correspond with parties in suits, or any person respecting matters cognizable in the court.

IX. The Provincial Court of Appeal is prohibited corresponding by letter with parties in suits or process, or matters depending before the court or coming within its cognizance. If a party in a suit, or any person amenable to the jurisdiction of the court, shall have any matter to represent to the court, he is either to appear in the court in person, and represent the matter in writing, or make the representation in writing through an authorized Vakeel. The court is to pass whatever order, upon the representation, may appear proper to the court, consistently with the Regulations, and to cause a copy of the order to be delivered to the person making the representation, or to his Vakeel, under the seal of the court and attested by the Register. The Provincial Court of Appeal is also prohibited corresponding by letter with the Judges of the Zillah Courts, respecting any cause or matter before the court, or upon any matters whatever on which the court may not be specially empowered so to correspond. When the court shall have occasion to issue an order to the Judge of any Zillah Court, or require information of any suit or matter before it, the court is to issue a precept, under its seal and the signature of the Register, commanding the Judge to execute the order, or requiring him to furnish the information, and the Judge to whom the precept may be directed is to perform the exigence of it, or return good and sufficient reason why he has not done it.

Provincial Court of Appeal prohibited corresponding by letter with the Judges of the Zillah Court.

Provincial Court of Appeal empowered to receive charges of corruption which may be preferred to them against the Judges of Zillah Courts.

Rules to be observed in receiving such charges.

X. If any person shall charge the Judge of a Zillah Court before the Provincial Court of Appeal with having been guilty of corruption in opposition to his oath, the Provincial Court is to receive the charge and forward it to the Sudder Adawlut; provided the complainant shall previously make oath to the truth of the charge (or subscribe the required declaration, if he shall be of the description of persons whom the Court is empowered to exempt from taking oaths), and give security, in whatever sum the Court may judge proper, to appear and prosecute the charge when required. Unless the complainant shall take the oath, or subscribe the abovementioned declaration and give the required security, the court is not to receive the charge: In all other cases, not expressly provided for in this Regulation, in which it shall appear to the Provincial Court of Appeal that the Judges of the Zillah Courts

Provincial Court to report to the Sudder Adawlut cases of misconduct or neglect in

Courts have been guilty of negligence or misconduct in the discharge of their duty, the court is to report the circumstances to the Sudder Adawlut.

the Judges not expressly provided for by this Regulation.

XI. In suits or complaints which may be transmitted by the Sudder Adawlut to be tried and determined by the Provincial Court of Appeal, and also in appeals from the decisions of the Zillah Courts (except as to hearing witnesses and receiving evidence), the Provincial Court is to proceed in the same manner, and with the like powers and authority, and subject to the same restrictions, limitations, and exceptions, as are prescribed to the Zillah Courts.

By what rules the Provincial Court is to proceed in cases referred to it for trial in the first instance, and in appeals preferred to the court from the decisions of the Zillah Courts.

XII. *First.* Whoever shall conceive himself aggrieved by the decision of a Zillah Court in any case wherein an appeal may be competent, is permitted to appeal against it by petition to the Provincial Court of Appeal. Where an appeal is intended, such appeal shall be presented, in the first instance, to the Zillah Court in which the decree appealed against may have been passed. The Judge of the Zillah Court shall on the next court day, or as soon afterwards as may be practicable, admit the same, under the conditions in that respect prescribed.

Persons deeming themselves aggrieved by the decisions of any Zillah Court at liberty to appeal, in certain cases, to the Provincial Court of Appeal.

To whom the petition of appeal is to be first presented.

Second. The petition is to state (respect being had to the matter decreed) the annual produce of the lands, whether lakeraje or malguzary, the sum of money or the value of the property which may be decreed, the name of the person in whose favour the decree may be given, the court in which it may have been passed, when it was made, what was decreed by it and whether the decree has been executed, and is to assign some cause, special or general, for appealing from the decision. The amount adjudged by the Zillah Court against the party desiring to appeal, or the amount of his claim disallowed by the decree from which he may be desirous to appeal, shall be the standard for determining his right to appeal, under the limitations prescribed by the Regulations.

What the petition of appeal is to contain.

What shall be the standard for determining the right to appeal.

Third. The petition is to be accompanied with an attested copy of the decree of the Zillah Court, or by a written declaration, signed by the party desirous to appeal or his Vakeel, that ten days after the decision was passed he applied to the Judge of the court for a copy of the decree, and was denied it.

What the petition of appeal is to be accompanied with.

Fourth. The petition is to be presented to the court in which the decree appealed against may have been passed, within three calendar months after the day on which the decree may be delivered to the parties, viz. within ten days after the decree may have been passed in open court. But it shall nevertheless be permitted to such person to prefer his petition of appeal after the expiration of the three months; and the court is authorised to admit the appeal, provided the petitioner can show just and reasonable cause, to their satisfaction, for not having preferred it within the limited period. But whenever the court shall admit an appeal which may be preferred after the limited time, they are to enter upon the record of the trial their reasons at large for admitting the appeal.

Period limited for preferring appeals.

Cases in which the Provincial Court may admit appeals after the limited time.

Court to record their reasons for admitting an appeal after the limited time.

Fifth. In all authorised cases of appeal from the decrees of the Zillah Court to the Provincial Court, the court in which the decree appealed from may have been passed shall suspend the execution of it during the appeal; provided the party against whom the decree may have been passed shall, at the

Execution of decrees appealed from to be suspended during the appeal, under the prescribed security.

the time of preferring his appeal, or within such reasonable period afterwards as may be fixed for the purpose, deliver the securities required by this and the next following clause, viz. if the decree be for a zemindarry, talook, or other land, or for a house or other real property, good and sufficient security in a sum equal to one year's produce thereof; and in all other cases, good and sufficient security in an amount equal to the sum of money or value of the thing decreed, for the performance of the decree which may be passed upon the appeal.

Parties desirous of appealing to deliver good security for the costs that may be awarded on the appeal, including fees of pleaders.

No appeal to be admitted without such security.

Sixth. In all authorised cases of appeal, the party desirous of appealing is, with his petition of appeal, to deliver good and sufficient security for the payment of the costs that may be awarded on the appeal, including the fees of his pleader, in case he shall intend to employ any on his appeal. Without such security, or without proof of inability to find the same, as required with respect to paupers by Regulation X. 1802, no appeal shall be admitted.

Presenting a petition of appeal, without the required security, declared not to preserve the right of appeal.

But a party declaring his intention to prosecute his appeal in person, may afterwards appoint an authorised pleader, with separate security for his fees.

It is hereby declared, that the presenting a petition of appeal, without the security required by this clause, before the expiration of the time limited for appealing, shall not be considered as preserving to the appellant his right of appeal, as far as respects the limitation in question. Provided, however, that if a party appealing, who may declare his intention to prosecute his appeal in person, shall afterwards be desirous to appoint an authorised vakeel to act for him, and with his petition to this effect, or the Vukaluhramah appointing such vakeel, shall deliver good and sufficient security for the fees of such pleader, in addition to the security for costs before delivered by him, such further security shall be admitted, and nothing in this Regulation shall be understood to affect the right of appeal in such cases. But no pleader shall, in any instance, be allowed to act in any court, until security has been given for his established fees, except under the provisions for paupers.

And nothing in this section to affect the right of appeal in such cases. No pleader, however, to act in any court until security has been given for his fees; except under provision for paupers.

When the appellants have entered into the securities required, the Judge is to make the endorsement herein required on the petition, and to transmit it to the Provincial Court of Appeal.

Seventh. When the securities above required shall have been entered into, the Judge of the Zillah Court is immediately to endorse on the petition, in his own hand-writing, the day of the month and year in which it was presented, and sign it with his name, and cause to be written in the margin of the record, immediately opposite to the decree of the court, the word "appealed," and transmit the petition to the Provincial Court of Appeal.

To notify to the appellant that the proceedings will be certified to the Provincial Court in fifteen days:

And that if he shall not proceed in the appeal in six weeks, from the date of the petition being filed in the Provincial Court, it will be dismissed.

The court is, at the same time, to direct notice, in writing, to be given to the appellant, that within fifteen days the proceedings held in the cause appealed will be certified to the Provincial Court of Appeal; and that if he shall not proceed in the appeal within six weeks after the petition of appeal shall have been filed in the Provincial Court, his appeal will he dismissed; unless he shall shew reasonable cause, to the satisfaction of the Provincial Court, for not having proceeded in it.

Court of Appeal may, in particular cases, require further security during appeals, if on application of the parties the security taken be insufficient.

Eighth. Notwithstanding the appellants, in causes depending before the provincial Court of Appeal, may have entered into the securities required of them by the above clauses in this section, the court is further authorised, in cases wherein from delay in the decision the securities originally so given may afterwards appear insufficient (in respect to the period of time the cause has been pending or is likely to remain still undecided), on the application of the respondent or respondents in all such cases, to require any additional security which the court may deem necessary to secure the party who may have obtained a judgment in his favour from any loss by the non-

execution

execution of such judgment during the appeal; and in default of such further security being given within a reasonable period, to be fixed for that purpose, the court is empowered to direct the judgment in question to be carried into execution, in like manner as if no securities had originally been given by the appellant: provided that, in such cases, good and sufficient security, as prescribed by the Regulations, be given by the respondent, previous to his being put in possession of the property in litigation. The supplemental security required in this clause, as necessary to maintain a depending appeal, is carefully to be distinguished from the securities originally necessary to warrant the cause being appealed; the supplemental security being only demandable by the Provincial Court after a lapse of time, the original securities being requirable by the Zillah Court previous to the petition of appeal being admitted.

In default of such further security being given by appellants the judgment to be executed.

Provided the prescribed security be given by the respondent.

Ninth. As cases may occur, wherein neither the appellant or the respondent may be able to give the prescribed securities for staying the execution of the decree, or for the execution thereof in favour of the plaintiff, it is hereby enacted, that in all such cases the property adjudged shall be held in attachment during the appeal, or until such time as one of the parties may be able to give the required securities by the Collector of the district wherein the land may be situated, at the expense of the party who may be ultimately declared entitled thereto, under the provisions in that respect established. No attachment, however, is to be made by any Collector in the cases herein supposed, until he shall receive a precept, requiring him to make the same, from the Zillah Court wherein the original judgment in the cause may have been passed; which precept shall state specifically the property to be included in the attachment, and shall require the Collector to continue the same till ordered to be withdrawn by a further precept from the court, to be issued either on the prescribed securities being given by one of the parties, or on the cause being finally determined.

Provisions for cases wherein neither the appellant nor respondent may be able to give the prescribed securities.

The Collectors hold the adjudged property in attachment in such cases.

Tenth. Where a petition for an appeal to the Provincial Court shall be rejected, on whatever ground, by a Zillah Court, such court shall, on the court day next ensuing, or as soon afterwards as may be practicable, cause the appellant to be furnished with a copy of their order for rejecting the appeal; and the appellant shall be still at liberty to present his petition of appeal to the Provincial Court, in the mode, and under the restrictions prescribed by this section; provided that such petition set forth the previous application made to the Zillah Court and the rejection of the appeal by that court, and be accompanied by a copy of the order of rejection, or by a declaration that such copy was applied for ten days after the same was passed, and not obtained.

Zillah Courts, on rejecting a petition of appeal to the Provincial Court, to furnish appellant with a copy of their order for such rejection;

and appellant at liberty to present his petition of appeal to the Provincial Court under the restrictions prescribed.

Eleventh. Where the party desiring to appeal shall neglect or refuse to enter into the securities, in the manner prescribed in this section, the court by whom the decision may have been passed is to order the decree to be executed.

Where the appellant does not comply with the rules of appeal decree to be executed.

Twelfth. In all cases wherein an appeal may lie under the existing regulations to a Zillah Court from the decision of the Register, Assistant Register, or native Commissioners, and in which the Zillah Court may have refused to admit the appeal, on the ground of delay, informality, or other default in preferring it, or after having admitted the appeal may dismiss it on the

Rules for authorizing the Provincial Courts to take cognizance in certain cases of appeals which the Zillah Court may have refused to admit, or dismissed without investigation.

ground of some default, without investigating the merits of the cause, it shall be competent to the Provincial Court to receive an appeal from the order or dismissal of the Zillah Court, whatever may be the amount or value at issue in the cause, provided such appeal be preferred in conformity to the rules prescribed with regard to other appeals to the Provincial Court; and if it shall appear to that court, on examination of the proceedings of the Zillah Court, that the appeal was rejected or dismissed by the latter on insufficient grounds, it may order the Zillah Court to receive the appeal, or to revive it if received and dismissed, and to try and determine the cause upon its merits according to the Regulations. Provided further, however, that if such appeals shall, on inquiry, be found groundless and litigious, the Provincial Court shall in all such instances punish the litigious appellant, as authorized by the Regulations in other cases of litigious appeal, *viz.* by a fine to Government, proportionate to the condition of the party and to the circumstances of the case.

Provision respecting litigious appeals.

Record, including original papers in the cause appealed, to be transmitted to the Register to the Provincial Court in fifteen days after the receipt of the appeal.

XIII. The Judge of the Zillah Court, within fifteen days after the receipt of the appeal, is to certify, under his hand and the seal of the court, to the Register of the Provincial Court of Appeal, the record, duly made up and authenticated, including the original complaint, answer, replication, and rejoinder of the parties, the original depositions, exhibits, and every original paper read in the cause. Previous to transmitting the above-mentioned papers to the Provincial Court of Appeal, he is to cause true and faithful copies of all the originals, authenticated by the Seristadar, or head native officer of the court, to be made out and deposited in the Zillah Court, in lieu of the originals. The copies are to be deemed records of the court, and are to be received in evidence in any other Zillah Court. In cases where any original deposition, or other original proceedings or matter whatsoever, shall have been previously entered in any Zillah Court, in any book which may likewise contain proceedings in other distinct causes, or any other matter, so that such original papers cannot be transmitted to the Provincial Court of Appeal without the other proceedings or matters, the Judge of the Zillah Court, within the time and in the manner before directed, is to certify a true and authentic copy of such original papers, and that the original of each copy transmitted is so entered in such book. But he is, nevertheless, to transmit the original complaint, the original answer, or other separate pleadings of the parties, and the original exhibits which shall have been delivered in or produced by the parties, and read in the course of the cause before the court, if they be forthcoming, in the manner before required. In cases where any original paper shall have been mislaid or lost, and a copy of it shall have been entered in any book or proceedings, the copy is to be deemed the original; and the Judge is to transmit a copy of it to the Provincial Court of Appeal, and in like manner to certify, and that the original after due search cannot be found.

Copies of all the original papers transmitted, attested by the Seristadar, to be deposited amongst the records of the court.

Copies to be deemed records, and to be received in evidence. Copies of original papers to be sent to the Provincial Court, where the originals cannot be sent for the reasons herein specified.

Recorded copies of original papers not forthcoming to be deemed the originals, and copies of them to be forwarded and certified as herein required.

XIV. *First.* In all instances wherein the plaintiff in a Zillah Court may obtain a judgment in his favour for land or other real property, and the defendant appealing therefrom to the Provincial Court may be left in possession of the property, under the security prescribed by the Regulations, any private transfer of such property by sale, gift, or otherwise, or any mortgage thereof which might be made by such appellant during the appeal to the

Any private transfer or mortgage of land, or other real property, during appeals, declared null and void, in the event of the judgment against such property being confirmed on the appeal.

the Provincial Court, or during a further appeal to the Court of Sudder Adawlut or the King in Council, would, in the event of the judgment against him being confirmed on the appeal, be of course, and is hereby declared to be null and void: but as mulguzary lands (lands assessed with the public revenue) are, in all cases, by whomsoever possessed, held answerable for the public revenue assessed thereon, and as, according to the general rules established for the collection of the public revenue, such lands, and also lakheraye lands and other property appertaining to the same estate, may become liable to sale by Government from the neglect of the party in possession to discharge the revenue due therefrom, by which sale, in cases of appeal, the party to whom the property of the lands is ultimately adjudged might notwithstanding be deprived of it, unless he purchased the same at the public sale; to obviate all doubt respecting the right of the party making the purchase in such cases, it is hereby declared, that whenever any land or other property, for which a judgment may have been obtained in any of the established courts of justice, but which, during an appeal from such judgment by the party cast, may be left in the possession of the appellant, shall, while such appeal is pending, or before the ultimate judgment thereon be put in execution, be sold by Government to make good an arrear of the public revenue due from the appellant, and shall be purchased by the respondent, the party so purchasing, in the event of such property being finally adjudged to him on the appeal, shall be entitled to recover from the appellant, so left in possession, the full amount of his purchase-money, and of all expenses attending the purchase so made by him, with interest thereon at the rate of twelve per cent. per annum, in addition to any other sum which may be adjudged due to him on account of the profits arising from the land, or other property in question anterior to the sale. It is further declared, that in the case above supposed, if the respondent shall not have purchased the land or other property sold by Government to make good an arrear of public revenue due from the appellant left in possession thereof, and if the ultimate judgment on the appeal be in favour of such respondent, he shall be entitled to recover from the appellant left in possession the amount of the purchase-money paid for the property so sold and adjudged to the respondent, with interest thereon at the rate of twelve per cent. per annum, in addition to any other sum which may be adjudged to him on account of the profits arising from the property so sold anterior to the sale of it: unless the property in question shall have been, directly or indirectly, purchased by the appellant himself, or on his behalf, at the public sale; in which case, on clear proof thereof being made by the respondent to whom such property may be ultimately adjudged, he shall be entitled to the possession thereof, and to all profits arising therefrom, as may be directed by the decree in the case, notwithstanding the fictitious sale supposed.

Provision for the public sale of the property adjudged, in such cases, on account of the public assessment.

Right of respondent, in such cases, who may purchase the property sold by Government, and ultimately adjudged to him on the appeal.

Rights of respondent, in such cases, who may not purchase the property sold by Government, and ultimately adjudged to him on the appeal.

Second. The principles of the rules contained in the preceding clause, and in Clause eighth, Section XII. of this Regulation, are to be considered equally applicable to cases in which the plaintiff in a Zillah Court may be put in possession of land, or other property adjudged to him during an appeal, in consequence of the defendants failing to give the securities prescribed, and generally to all cases in which the possession of property may be transferred by the decree of any court of justice, from which decree an appeal may be

Principles of the preceding clause, and Clause eighth, Section XII, declared to extend to all similar cases, whether the original plaintiff or defendant, or the appellant or respondent, be left in possession of the property during an appeal to the Provincial Court, or to the Sudder

Adawlut, or to the King in Council.

be depending in a superior court, whether a Provincial Court of Appeal, or the Court of Sudder Adawlut, or the King in Council.

All process of the Provincial Court of Appeal (with the exception herein specified) to be issued through the Zillah Court.

XV. All process, both to parties and witnesses, and every rule or order for the execution of a decree or final order, and every other order whatever which may issue from the Provincial Court of Appeal, whether originating with the Provincial Court, or issued pursuant to orders from the Sudder Adawlut, is to be written or printed in the Persian language and language of the district in which the court may be held, and sealed with the seal of the Provincial Court, and signed by the Register. All such process, rules, and orders, which are to be served or executed on any parties, witnesses, or persons (exclusive of the parties, vakeels, or persons in actual attendance on the court), are to be directed to the Judge of the Zillah Court in which the cause of action shall originally have arisen, or in whose jurisdiction the lands may be situated, or the parties may be or reside. Every such process, rule, and order, is to limit a certain time in which it is to be served, executed, and returned to the Provincial Court of Appeal. If a Judge of a Zillah Court, to whom any process, rule, or order whatever may be directed, shall wilfully disobey or neglect to perform the commands contained in it, or make a false return, the Provincial Court is positively enjoined to report immediately such disobedience, neglect, or false return, to the Sudder Adawlut, and the Judge so offending shall be liable to be suspended from his office by the Sudder Adawlut. If the Sudder Adawlut should suspend the Judge, they are to notify the suspension to the Governor in Council, within ten days after it may take place; together with the cause of it; and certify, under the seal of the court, the proceedings, depositions, and exhibits, and all other matters which may be necessary to enable the Governor in Council to pass a determination upon the suspension, and to transmit to him, on his requisition, any further papers and proceedings respecting the cause which he may deem necessary for his information.

Provincial Court of Appeal enjoined to acquaint the Sudder Adawlut whenever the Zillah Courts refuse or omit to obey or to conform to their process or requisitions.

Judges of the Zillah Courts liable to be suspended by the Sudder Adawlut for such offences.

Sudder Adawlut to report to the Governor in Council the suspension of Judges under this article within ten days.

Process of the Provincial Court how to be served by the Judges of the Zillah Courts.

XVI. In all cases in which process, either to a party or witness, and all process whatever, and every rule or order for the execution of any decree or final order, or any order relating to a cause depending in the Provincial Court of Appeal, which may be directed by such court to the Judge of a Zillah Court, the Judge to whom the process may be directed is to execute the order contained in the process, rule, or order, and return it so executed within the time limited, or return to the Provincial Court good and sufficient reason why it has not been served or executed. When any process, rule, decree, order for the execution of any decree or final order, or any order whatever, shall be transmitted by the Provincial Court of Appeal to the Judge of a Zillah Court to be served or executed, the return to such process, rule, order, or decree, is to be made by the Judge of the Zillah Court, either by endorsement on the process, rule, order, or decree, or to be written on a paper firmly annexed to it; and if the return be made in the last-mentioned manner, there is to be an endorsement on the process, rule, order, or decree, referring the Provincial Court of Appeal to the return contained on such annexed paper; and the Judge is to cause a copy of the process, rule, order or decree, together with the return to it, to be deposited amongst the records of his court. And in all cases in which the Provincial Court of Appeal

To return the process executed, or reasons why it has not been executed.

Form and manner in which the return is to be made.

Judge to cause a copy of the process and return to be deposited amongst the records of the court.

Appeal shall transmit any order or process to be served or executed by the Judge of a Zillah Court against a party in a cause, and the party on whom it is to be served or executed is not, after diligent search, to be found, or shall have absconded or shut himself up in his own or any house or building, or retired to any place, so that the process cannot be served upon him, the Judge to whom the process is directed is to cause to be stuck up, in some conspicuous part of the room in which the court may be held, a writing, in the Persian language, and language of the district in which the court may be held, containing a copy of the order or process, and a notice that if the party shall not obey the exigence of it within the time limited, the Provincial Court of Appeal will, without further notice, process, or order, proceed *ex parte* to hear, try, and determine the cause to which such process or order may relate; and the Judge is likewise to cause a copy of such writing to be stuck up, with all practicable dispatch, on the outer door of the house in which the party may have usually dwelt, or in some conspicuous place in the village in which he may have usually resided, and to return to the Provincial Court of Appeal, in the manner before directed, how he has executed the process.

Judge how to proceed in case any such process cannot be served upon the party, in consequence of his absconding or otherwise avoiding it.

Judge to fix up a writing in the court-room, and at the place of residence of the party.

What the writing is to contain.

XVII. If the Judge of a Zillah Court to whom any process, rule, or order of the Provincial Court of Appeal may be transmitted that it may be served or executed on any party, shall return that the party has absconded, or shut himself up in his own or any house or building, or retired to any place, so that the process could not be served upon him, or was not after diligent search to be found, and that he had caused the writing to be fixed up in the places and manner directed, and the party shall not appear and obey the exigence of the process, rule, or order, the Provincial Court is to proceed *ex parte* to try and determine the cause in which the process, rule, or order shall have issued, in the same manner as if the party had appeared and obeyed the exigence of the process.

Provincial Court to proceed *ex parte* when the Zillah Courts shall report that a party has absconded or was not to be found, after the forms herein directed have been observed.

XVIII. The Provincial Court of Appeal is empowered in cases of appeals, in which it shall appear to it that the original suit has not been sufficiently investigated in the Zillah Court, or for any other cause that may be deemed reasonable by the Provincial Court, either to receive such further evidence as the court may think necessary for the just determination of the suit, and give judgment upon it, or to refer the suit back to the Zillah Court in which it originated, accompanied by such special directions to the Judge, with regard to the new evidence he is to receive respecting it, as may be deemed by the court most conducive to justice and the convenience of the parties and witnesses. But in every case in which the Provincial Court may exercise the power above vested in it by this section, the court is to enter upon the record of the trial its reasons for having exercised it. In cases in which the court may judge it proper to receive such further evidence themselves, the court is empowered, according as the court may deem most conducive to justice (respect being had to the nature of the cause and the evidence), either to examine the witnesses to be produced *vivâ voce* in open court, causing the witnesses to be first sworn, and their depositions to be reduced into writing and signed by the deponents respectively, or to authorize their Register to swear the witnesses and take their depositions, and to cause

Cases in which the Provincial Court of Appeal is empowered to take new evidence in appeals, or to refer them back for further evidence to the Zillah Courts.

Provincial Court to state their reasons upon the record of the trial, whenever they may exercise the powers above vested in them. Court empowered to hear evidence in the cases above specified *vivâ voce*, or to order their Register to take it.

the deponents to sign them and to authenticate them with his signature. The Register, in such case, is to examine the witnesses in the presence of both parties, or their Vakeels, who are to be at liberty to put any questions to the witnesses that they may think proper; and the questions, with the answers to them, are in the same manner to be reduced into writing, signed and authenticated. But if due notice be given to the parties or their Vakeels of the examination of any witness or witnesses before the Register, and he or they shall not attend at the time of the examination, the Register is to proceed in the examination as before directed, and the depositions are to be received as good and authentic evidence.

Cases in which the Provincial Court may dispense with the oaths of witnesses:

Or direct their evidence to be taken by commission.

XIX. The Provincial Court of Appeal may dispense with the oaths of such descriptions of witnesses as the Zillah Courts are authorized to exempt from taking of oaths, on their signing the declarations in open court which are required to be subscribed by such witnesses in the Zillah Courts. Where witnesses may be women of the description specified in Section VI, Regulation IV. 1799, and by the same Section of Regulation II. 1800, or shall reside out of the jurisdiction of the court, the court may grant such commissions as the Zillah Courts are authorized to grant for the examination of such witnesses upon similar occasions: and the Provincial Court of Appeal may issue such commissions to creditable women, and send such letters to the Judges of the Zillah Courts for the examination of witnesses, in the cases in which the Judges of the Zillah Courts are authorized to send such commissions and letters.

Provincial Court how to proceed where witnesses do not attend, or refuse to be sworn or to give evidence, or sign their depositions, or any persons are guilty of contempt of court or perjury.

XX. If a witness duly summoned shall not attend, or attending shall refuse to be sworn or give evidence, or to subscribe his deposition, or if such witness or any person shall be guilty of wilful or corrupt perjury in a cause depending in the court, or any contempt of court in open court, the Provincial Court of Appeal is to proceed with such witness or person in the same manner as the Zillah Courts are authorized to deal with witnesses or persons in like manner offending.

Court to dismiss appeals if the appellants omit to proceed in six weeks without shewing sufficient cause for the omission.

Reasons for the dismission of the appeal to be recorded.

XXI. If the appellant in an appeal filed in the Provincial Court of Appeal shall not proceed in the appeal for six weeks, the appeal is to be dismissed, unless the appellant shall shew reasonable cause, to the satisfaction of the court, for not proceeding in it; and the court may, if they shall deem it equitable so to do, award to the respondent costs of suit. But in all such cases, the court is to enter at large upon its proceedings the grounds upon which the court may permit or refuse to allow the appellant to proceed.

No persons to be heard *vivâ voce* in any stage of the cause, excepting principals, their witnesses, or their Vakeels duly empowered.

XXII. In suits that may be referred by the Sudder Adawlut to the Provincial Court of Appeal, and in appeals which may be preferred to those courts, no proceedings are to be held either on behalf of the plaintiff or defendant. or any acts whatever done, either on behalf of the appellant or respondent, except by the plaintiff or defendant, the appellant or respondent themselves, or by a Vakeel admitted to plead in the court under the established regulations, nor by any Vakeel before his vukalutnamah shall have been filed in the court; and no persons excepting such parties or their witnesses, or such Vakeels, shall be heard *vivâ voce* in any stage in the cause.

XXIII.

XXIII. *First.* If a Zemindar, independent Talookdar, or a dependant Talookdar or other landholder shall resist or cause to be resisted any process, rule, order, or decree, which may at any time issue from a Provincial Court of Appeal, the court, on proof of the resistance being made by oath to its satisfaction, is to cause the offender to be summoned to answer to the charge. If the offender shall abscond, or shut himself up in his own or any house, or in any building, or to retire to any place, so that he cannot be served with the summons, the court is to proceed against him in the manner directed with regard to other persons absconding, or otherwise acting as above specified, so that they cannot be served with the process of the court. If the offender shall not appear within the prescribed time, or if he shall appear, and after receiving his answer to the charge, and hearing the evidence which he may produce in his defence, it shall be proved to the satisfaction of the court that he is guilty of the charge, the court is to decree that the offender shall, from the date of the decree, forfeit his zemindarry, talook, or other estate in which such resistance shall have been made, or if the resistance shall have been made out of the limits of the estate of the offender, the zemindarry, talook, or other landed property which he may possess within the jurisdiction of the Zillah Court to which the execution of the process resisted may have been committed. If the cause shall not be appealable to the Sudder Adawlut, or if it shall be appealable, and the offender shall not lodge an appeal within the time limited for preferring appeals to that court in the established Regulations, the Provincial Court is immediately to forward a copy of their decree and proceedings to the Governor in Council. If an appeal shall be received from the decision of the Provincial Court, and the Sudder Adawlut should confirm the decree, they are immediately to transmit a copy of their decree and proceedings, and of the decree and proceedings of the Provincial Court of Appeal, to the Governor in Council. An appeal shall not lie to the Sudder Adawlut, unless the annual produce of the lands of the offender which may be adjudged forfeited (calculating according to the amount paid and payable to the offender by the dependent Talookdars, under-farmers, and Ryots, on account of the year in which the decree may be passed) shall exceed five hundred rupees. In the event of an appeal from the decree of the Provincial Court being presented to the Sudder Adawlut, and the admission or rejection of the appeal should depend upon the produce of the lands for the year before-mentioned exceeding or falling short of five hundred rupees, the Court of Sudder Adawlut is to order the Provincial Court to obtain the necessary information regarding the produce, and after receiving their report admit or reject the appeal, according as they may deem equitable. It shall be at the option of the Governor in Council, after the receipt of a decree adjudging the lands of any person forfeited under this section, either to order it to be executed, or to commute the forfeiture for such fine as, upon a consideration of the situation and circumstances in life of the offender, he may think adequate to the offence for which the decree may be passed. In the event of the Governor in Council commuting the forfeiture for a fine, the court which shall have transmitted the decree and proceedings to the Governor in Council, upon receiving notice of the fine that he may impose, is to levy the amount of it by the same process by which the court is directed to enforce its decrees.

Provincial Court how to proceed against Zemindars, independent Talookdars, or other landholders or dependant Talookdars who may resist their process.

Offender to be summoned to answer for his conduct.

Court how to proceed if the offender shall not obey the summons.

Decree to be passed if the offender shall not appear, or shall appear and prove guilty of the charge.

A copy of the decree to be sent to the Governor in Council, if the cause shall not be appealable, or not be appealed in time.

Sudder Adawlut how to proceed if the suit should be appealed to them, and they should confirm the decision of the Provincial Court.

In what cases such appeals are admissible.

If the lands are decreed forfeited, the Governor in Council may confirm the decree, or commute the forfeiture for a fine.

If the forfeiture is commuted for a fine, by what court and how it is to be levied.

Second.

Decree not to be deemed final or carried into execution till confirmed by the Governor in Council.

Second. In cases wherein a decree for the forfeiture of an estate or farm may be passed and transmitted to the Governor in Council, the decree in question shall not be deemed final until confirmed by the Governor in Council, and shall not be carried into execution until notice of its confirmation be received.

If the decree is declared final, the court to issue a process to the Collector to sequester the lands.

Third. In the event of the Governor in Council ordering the decree to be executed, the court is to issue a precept, under the seal of the court and signature of the Register, requiring the Collector of the Revenue of the zillah to depute an Aumeen, with a proper establishment of officers (whose allowances are to be specified in the precept), to sequester the lands and collect the rents and revenues. If the lands of the defaulter shall be deemed by the court too inconsiderable to admit of their being charged with the expense of an Aumeen, the court is to direct a precept to be issued to the Collector of the zillah, to order an officer employed under him in the business of the collections to take charge of the lands. The officer is to perform the duties prescribed to Aumeens in such cases, and under the same restrictions and penalties.

If the forfeiture should stand confirmed, the Governor in Council to confer the estate on the heirs of the offender, or dispose of it at public sale.

XXIV. If the decree adjudging the lands of the offender forfeited shall be confirmed under Section XXIII, it shall be at the option of the Governor in Council either to confer the rights which the offender possessed in the lands on his heirs, upon their agreeing to make good all sums whatever that may be due to Government from the defaulter on account of the lands forfeited and to pay the fixed public revenue assessed upon them, or if it be a dependent talook the revenue payable from it to the proprietor within whose estate it may be situated, or to order the lands to be disposed of at public sale.

Provincial Court how to proceed against persons holding farms of Government who may resist their process.

XXV. If a farmer of land holding a farm immediately of Government shall resist, or cause to be resisted, any process, rule, order, or decree, which may at any time issue from a Provincial Court of Appeal, on proof of the resistance being made by oath to its satisfaction, the court is to cause the

Offender to be summoned to answer for his conduct.

offender to be summoned to answer to the charge. If the offender shall abscond or shut himself up in his own or any house or building, or retire to

Court how to proceed if the offender shall not obey the summons.

any place so that he cannot be served with the summons, the court is to proceed against him in the manner directed with regard to other persons absconding, or otherwise acting as above specified, so that they cannot be served with the process of the court. If the offender shall not appear within

Decree to be passed by the court if the offender shall not appear, or shall appear and be proved guilty of the charge.

the prescribed period, or if he shall appear within the limited time, and after receiving his answer to the charge and hearing the evidence which he may have to produce in his defence it shall be proved to the satisfaction of the court that he is guilty of the charge, the court is to decree the lease

A copy of the decree to be sent to the Governor in Council if the cause shall not be appealable or not be appealed in time.

cancelled from the expiration of the revenue year. If the cause shall not be appealable, or if it shall be appealable and the offender shall not lodge an appeal within the time limited for preferring appeals to that court, the Provincial Court is immediately to forward a copy of the decree aad proceedings to the Governor in Council. If an appeal from the decision of the

Sudder Adawlut how to proceed if they should admit an appeal and confirm the decree of the court.

Provincial Court shall be admitted, and the Sudder Adawlut should confirm the decree, the latter tribunal is immediately to transmit a copy of the decree, and of the decree and proceedings of the Provincial Court of Appeal,

to

to the Governor in Council. An appeal shall not lie to the Sudder Adawlut unless the jumma payable to Government by the offender for the year in which the decree may be passed on account of the farm, the lease for which may be adjudged annulled, shall exceed five hundred rupees. It shall be at the option of the Governor in Council, after the receipt of a decree adjudging the lease of a farmer annulled under this section, either to order the decree to be executed, or to commute the forfeiture of the lease for such fine as, upon a consideration of the situation and circumstances in life of the defaulter, he may think adequate to the offence for which the decree may be passed, or if the offender shall not be desirous of being continued in his farm, to fine him as above prescribed, and compel him to retain the farm during the remainder of the lease, and to hold him and his surety responsible for the discharge of their engagements until the term of them shall expire. If a fine shall be imposed upon the offender, the court which shall have transmitted the final decree and proceedings to the Governor in Council, upon receiving notice of the fine, is to levy the amount of it by the same process as is prescribed for enforcing decrees of the court. If the lease of the offender shall be annulled, and a balance should be due from him to Government at the close of the year in which the lease may be cancelled, both he and his surety are to be held responsible for the payment of it; and the Collector of the revenue of the zillah is empowered to proceed against them for the recovery of it, agreeably to the rules in that respect established. The offender is permitted to prosecute, in the Court of Adawlut of the zillah in which the farm may be situated, the dependent Talookdars, under-farmers, and Ryots in the lands included in the farm, for any arrears of rent or revenue that may be due from them to him, on account of the period during which his lease remained in force.

Rules for determining from what decrees passed under this section, an appeal is to lie to the Sudder Adawlut.

Option reserved to the Governor in Council to confirm the decree or commute it for a fine, and to compel the farmer to perform the conditions of his lease.

By what Court and how such fines are to be levied.

If the lease of the offender should be annulled, how balances due from him are to be recovered.

Farmers whose leases may be cancelled how to recover balances.

XXVI. If any person, not being a Zemindar, independent-Talookdar, or other land holder or a dependent Talookdar, or a farmer of land holding a farm immediately of Government, shall resist, or cause to be resisted, any process, rule, order, or decree, which may at any time issue from the Provincial Court of Appeal, on proof of the resistance being made by oath to its satisfaction, the court is to cause the offender to be summoned to answer to the charge. If the person for whom the summons may be issued shall abscond, or shut himself up in his own, or any house or building, or retire to any place so that he cannot be served with the summons, the court is to proceed against him in the manner directed with regard to other persons absconding, or otherwise acting as above specified, so that they cannot be served with the process of the court. If the offender shall not appear within the prescribed period, or if he shall appear within the limited time, and after receiving his answer and hearing the evidence which he may have to produce in his defence, it shall be proved, to the satisfaction of the court, that he is guilty of the charge, the court is to adjudge the offender to pay such fine to Government as may appear to it proper, upon a consideration of his situation and circumstances in life and the offence for which the decree may be passed. The rules regarding appeals to the Sudder Adawlut from the decisions of the Provincial Court of Appeal for sums of money, are to be held applicable to

Court how to proceed against persons resisting process who are not landholders, Talookdars, or farmers.

Offender to be summoned to answer for his conduct.

Court how to proceed if the offender shall not obey the summons.

Persons fined under this section allowed an appeal to the Sudder Adawlut, under the rules for appealing from decisions passed for sums of money.

decisions which may be passed by the Provincial Court under this section. If the fine shall not exceed eight hundred Bombay rupees, or if it shall be above that sum, and the offender shall not prefer an appeal to the Sudder Adawlut within the time prescribed for lodging appeals, the court is to proceed to levy the amount, by the same process by which it is empowered to carry its decrees for sums of money into execution.

Court in what case and how to enforce such decrees.

Provincial Court empowered to order the Zillah Courts to enforce decrees for sums of money against proprietors of land, by the same process as they enforce such decrees passed by themselves.

XXVII. The Provincial Court of Appeal is empowered, in every case in which a sum of money is decreed to be paid by a Zemindar, independent Talookdar, or other actual proprietor of land, to issue an order to the proper Zillah Court to execute the decree, in the same manner as the Zillah Courts are authorized to execute decrees, by which a sum of money may be decreed to be paid by any of the descriptions of persons abovementioned.

Petitions of appeal from decisions founded on awards of arbitrators to be dismissed with costs.

Exception to the rule.

XXVIII. If a petition of appeal shall be preferred against the decision of any Zillah Court founded on an award of arbitration, it is to be dismissed with costs; unless it be fully proved, to the satisfaction of the court, by the oaths of two credible witnesses, that the arbitrators have been guilty of gross corruption or partiality in the cause in which they have made the award.

Proceedings of the Provincial Court how to be numbered, marked, dated, and signed.

XXIX. The petition of appeal, pleadings, depositions, and exhibits in the Provincial Court of Appeal, are to be numbered, marked, dated, and signed by the Register, in the same manner as the complaint, pleadings, depositions, and exhibits, are ordered to be numbered, marked, dated, and signed by the Register in the Zillah Courts. The decrees are to be signed by the Judges present in court when the decrees may be passed, and attested by the Register, and copies so signed and attested are to be delivered to the parties.

Decrees to be signed by the Judges and attested by the Register, and copies to be delivered to the parties.

Cases in which the decrees of the Provincial Court of Appeal are to be final.

XXX. *First.* The decree of the Provincial Court of Appeal shall be final in all suits in which the decree may be for land, or other real property being lakheroye, (or exempted from the payment of revenue to Government), the annual produce of which shall not exceed fifty Bombay rupees; or for any zemindarry, independent talook, or other landed estate being malguzary (or paying revenue to Government), where the produce shall not exceed five hundred Bombay rupees per annum; or for any dependent talook, the annual produce of which shall not be more than five hundred Bombay rupees; and in all other cases where the decree shall be for a sum of money, or personal property, or real property, not of the description beforementioned, the amount or value of which shall not exceed the sum of eight hundred Bombay rupees.

Petitions for a review of causes from the decision on which no appeal can be had, to be presented to the court passing such decision.

Second. Persons considering themselves aggrieved by the decree of the Provincial Court, from which decree no appeal can be had under this section to any superior court, and who from the discovery of new matter or evidence which was not within their knowledge, or could not be adduced by them at the time when the decree was passed, or for other good and sufficient reason, may be desirous of obtaining a review of the judgment passed against them, are at liberty to present a petition for this purpose to the court in which the decree in question may have been passed; and if the Judge of such court shall,

shall, on consideration of the reasons urged by the party, be of opinion that the review desired is necessary to correct an evident error in the judgment, or otherwise, for the due administration of justice, they shall report the same, with the grounds of such opinion, to the Court of Sudder Adawlut, transmitting at the same time a copy and translation of the petition presented to them; and shall be guided by the instructions they may receive from that court in admitting or rejecting the prayer of such petition, as well as in the admission of evidence, if the review be granted, on the further proceedings to be held by them in consequence. Provided, however, that no reference to the Sudder Adawlut shall be considered obligatory, in cases wherein the provincial court shall deem the reasons urged for a revision thereof insufficient, their rejection of the petition for a review, in all such cases, being hereby declared conclusive.

Report to be made to the Sudder Adawlut if the Judges shall consider it necessary for the due administration of justice.

Instructions of the Sudder Adawlut to determine the admission or rejection of the review desired, as well as what new evidence shall be admitted.

But no reference to the Sudder Adawlut obligatory, if the Provincial Court deem the reasons urged for a review thereof insufficient.

XXXI. The Provincial Court of Appeal shall not require the Zillah Courts to furnish them with translates of any proceedings or papers written in the country languages; excepting only the proceedings and papers in suits in which appeals may be preferred from their decision to the Sudder Adawlut. On the admission of an appeal from the decision of the Provincial Court of Appeal to the Sudder Adawlut, the Provincial Court is directed to transmit to the Judge of the Zillah Court in which the cause may have been tried in the first instance, the whole of the original proceedings held in the said Zillah Court, together with all original documents and papers recorded on the trial therein, and to require him by a precept under the seal and signature of the court, to furnish a translation in English of all such proceedings, documents, and papers, within the period which may be prescribed to them by the Sudder Adawlut for certifying the proceedings held in the cause, to the last-mentioned court. Nothing, however, contained in this section shall be considered by the Provincial Court as authorizing it to require the Judges of the Zillah Courts to furnish a translation of the proceedings which may be held in the appeal by the Provincial Court. The Provincial Court of Appeal, on receiving the translation from the Judge of the Zillah Court, is to certify the whole of the record, original and translation, to the Sudder Adawlut.

Provincial Court not to require translates of proceedings, &c. except in causes appealed to the Sudder Adawlut.

In causes appealed to the Sudder Adawlut, the Provincial Court is to transmit to the Zillah Judge all the original papers, &c. and require by precept a translation thereof within the prescribed time.

But not to require a translation of proceedings held in the Provincial Court.

Provincial Court to certify the record, original and translate, to the Sudder Adawlut.

XXXII. It shall be the province of the Registers and assistants to the Provincial and Zillah Courts to make all translations required from these courts respectively; and it is expected they will at all times perform this duty, as far as may be in their power, consistently with the due discharge of their other duties. But if, at any time, their other public avocations, may not admit of their preparing the translates of proceedings required to be transmitted to the Sudder Adawlut within the proper period, the Judges of the respective courts are to represent the same to the Sudder Adawlut, with information of the period required to enable their Registers and assistants to make such translations without material impediment to the discharge of their other duties; and if the Sudder Adawlut shall judge it necessary to have the translation before them at an earlier period, it is empowered to authorize the employment of any person or persons, possessing an adequate knowledge of the original language, to make such translations, subject to the revision of the Register

All translations required from the courts to be made by their Registers and assistants whenever it may be practicable.

When their other public duties will not admit of their preparing the translates, the Judges are to report the circumstance to the Sudder Adawlut, who, if they deem it necessary, will authorize them to employ other persons to make the translates, subject to the revision of the Register, who is to be responsible for their accuracy.

Register of the Provincial or Zillah Court from which such translation may be demandable, who, in all such instances, is to countersign the translations, as compared by him, and will be held responsible for the accuracy of it.

Rates to be allowed to persons not in the service for making translates.

XXXIII. Where persons, not in the civil service of the Honourable Company, may be employed by the Provincial or Zillah Courts, under the authority given in the preceding section, the persons so employed are to receive a compensation for the translate made by them, according to the following established rates, which have been fixed as a general standard for translations of every description, *viz.* one Bombay rupee for one hundred words of the original language, and the same rate for figures, calculating five figures for a word. The Judges of the Provincial and Zillah Courts are to communicate the above rates to the persons who may be employed by them before they undertake the translation, and are to pay the same on a certificate from their Registers that the translation has been duly completed, which certificate is to be endorsed by the Register on the bill, after he shall have compared the translation, as directed in the foregoing section.

Bill for the translation to be paid on a certificate from the Register.

Court how to act in cases for which no rule may exist.

XXXIV. In cases for which no specific rules may exist, the Provincial Court of Appeal is to act according to justice, equity, and good conscience.

Interest to be allowed on sums adjudged by the decree appealed from, if confirmed, and litigious appeals to be punished by fine.

XXXV. Where the Provincial Court of Appeal may confirm the decree of a Zillah Court, the court is to adjudge interest at the rate of one per cent. per mensem on all sums receivable by the respondent under the decree passed in his favour, from the date of such decree, and is authorized to punish appeals which may appear to them litigious by a fine to Government, proportionate to the condition of the party and the circumstances of the case.

Court, where the matter in dispute does not admit of an appeal, may direct depositions to be filed of record, or not.

XXXVI. Whereas the requiring the depositions of witnesses to be reduced into writing and filed of record is productive of much expense and delay in small causes, where the value of the matter in dispute cannot be made the subject of appeal, it shall be in the discretion of the Judges of the Provincial Court, in all such cases, either to direct the depositions of witnesses to be reduced into writing and filed of record, or not, as they shall think fit in each particular case.

Provincial Court to keep a book of daily proceedings,

XXXVII. The Provincial Court of Appeal is to keep a book of daily proceedings, similar to that which the Judges of the Zillah Courts are required to keep in Section IX, Regulation VI. 1802. The entries in the book are to be attested with the signature of the Register.

and a monthly abstract register.

XXXVIII. The Provincial Court of Appeal is required to keep a monthly abstract register, in the English language, of causes or appeals decided by them, drawn out in the following form, on paper of the size which may be prescribed by the Sudder Adawlut. The register for each month is to be dispatched by the Sudder Adawlut by the fifteenth of the following month.

Abstract

Abstract Register of Causes and Appeals decided by the Provincial Court of Appeal in the Month of ....., 18...

Number of the Register in the Zillah Court.	Number of the Register in the Provincial Court.	Names of the Parties.	Substance of the Original Suit.	To whom and what decreed by the Zillah Court.	From what Court appealed.	The Decree of the Provincial Court.	Date on which the Appeal was filed in the Provincial court.	Date of the Decree of the Provincial Court.

Half-yearly report of undecided causes to be made by the Provincial Court to the Sudder Adawlut.

XXXIX. On the first of January and the first of July in each year, the Provincial Court of Appeal is to transmit to the Sudder Adawlut a register of all the causes or appeals remaining undecided in the court. The register is to be drawn out in the following form, on paper of the size which the Sudder Adawlut may prescribe.

Report of Causes and Appeals depending in the Provincial Court of Appeal on the 1st January (or 1st July) 18...

Number of the Register.	Names of the Parties.	Substance of the Cause or Appeal.	Date on which the Cause or Appeal was filed.	REMARKS.
10	Bhowanny Churn Mitre *versus* Ramnarain.	For the recovery of 50 rupees, the value of a boat.	16th May.	When any causes or appeals which have been inserted in a half-yearly report are re-entered in another half-yearly report, the Judges are to state in this column the reason of such causes or appeal remaining undecided.

Rule for facilitating the preparing of the Register's reports.

XL. *First.* The Provincial Court of Appeal is to insert at the bottom of its monthly abstract registers an abstract of the number of appeals or causes determined by them in the month, as follows:

Appeals:

Decreed or dismissed 2
Adjusted by razenamahs of the parties 2
— 4

Causes tried before the Court in the first instance:

Decreed or dismissed 2
Adjusted by razenamahs of the parties 2
— 4

Total..... 8

The Provincial Court of Appeal is to insert at the bottom of its half-yearly reports an abstract of the number of appeals or causes depending before them, as follows:

Appeals	2
Causes under trial before the court in the first instance	2
Total	4

A. D. 1812. REGULATION VII.

A REGULATION *for defining the Powers and Duties of the Sudder Adawlut, or Chief Court of Civil Judicature, for trying Appeals from the Decisions of the Provincial Court of Appeal:* PASSED *by the Governor in Council on the* 16*th December* 1812 *(corresponding with the* 13*th Margseer Sood, Sumbut or Vekramajit Era,* 1869; *Salbahan,* 1734; *and* 11*th Zilhuz,* 1227 *Hejry).*

Preamble.

I. REGULATION VII. 1800, for extending and defining the powers and duties of the Court of Sudder Adawlut, containing rules for receiving and deciding upon appeals from the decisions of the Zillah Courts *only*, and it being necessary on the ground of the enactment of a Regulation for the Provincial Court of Appeal, that the powers of the Sudder Adawlut should be adapted to the provisions of that Regulation, the following rules have been enacted.

Court to consist of the Governor and the other Members of the Council of Bombay.

II. The Court of Sudder Adawlut shall consist of the Governor, and the other Members of the Council of Bombay.

Seal of the court.

III. The court is to use a circular seal, two inches and a quarter in diameter, with an inscription to the following effect, in the Persian and Guzeratty languages and characters: "The seal of the Sudder Adawlut."

Court to be held at Bombay to sit *de die in diem*, and to make reasonable adjournments.

The court is to be held in a large and convenient room at Bombay, and to sit *de die in diem*, as the dispatch of business may require, and is empowered to make such reasonable adjournments as may be deemed expedient consistently with the business.

No decree, order, &c. to be made, but on court days and in open court.

No rule, order, proceeding, or decree, is to be made, but on court days and in open court.

Cases in which the Sudder Adawlut is empowered to refer original suits or complaints to the Zillah Court.

IV. *First.* The Sudder Adawlut is empowered to receive any original suit or complaint which may be cognizable in any Zillah Court, and to command the Judge of such court, by a precept under the seal of the court and attested by the Register, to receive the suit or complaint, and to proceed to hear and determine it; provided proof shall be previously made to their satisfaction, that the Judge refused or omitted to proceed in it, and that the complainant applied to the Provincial Court of Appeal, and that such court omitted or refused to command the Judge to receive or proceed in it under Section VII, Regulation VI. 1812. If the plaintiff shall refuse or neglect to proceed in the suit or complaint for the period of six weeks after the order of the Sudder Adawlut may be received by the Zillah Court and notified to the complainant, the Judge is authorized to dismiss it, notwithstanding the

Suit or complaint to be dismissed, if the party preferring it shall refuse or omit to proceed in it for six weeks.

order

order of the Sudder Adawlut. In such cases, the Judge, within one week after the dismission of the suit or complaint, is to certify to the Sudder Adawlut, under his hand and the seal of the court, that the suit or complaint has been dismissed, and the grounds of dismission.

Judge to notify the dismission of the suit to the Sudder Adawlut.

Second. The Sudder Adawlut is vested with authority to receive any petitions respecting suits or matters that may be depending or have been decided in any Zillah Court; and provided it shall be proved to their satisfaction that the petition was presented to the Judge of such court, and that he refused or omitted to receive it and proceed on it, and that the complainant applied to the Provincial Court of Appeal, and that such court omitted or refused to grant the precept specified in Section VIII, Regulation VI. 1812, the Sudder Adawlut is empowered to issue a precept, under the seal of the court, and attested by the Register, commanding the Judge of the Zillah Court, to receive the petition, and to proceed respecting it according to the Regulations.

Cases in which the Sudder Adawlut may receive petitions respecting suits or matters depending, or which may have been decided in any Zillah Court.

Court how to proceed with such petitions.

V. The Sudder Adawlut is empowered to receive any appeal from a decision of a Zillah Court which may be cognizable in the Provincial Court of Appeal, and to command such Provincial Court, by a precept under the seal of the court and attested by the Register, to receive the appeal, and to proceed to hear and determine it; provided proof shall be previously made, to the satisfaction of the Sudder Adawlut, that the Provincial Court omitted or refused to receive or proceed in it. If the appellant shall refuse or omit to proceed in the appeal for the period of six weeks after the order of the Sudder Adawlut shall have been received by the Provincial Court, and notified to him, the Provincial Court is empowered to dismiss the appeal notwithstanding the order of the Sudder Adawlut. In such cases, the Provincial Court, within one week after the dismission of the appeal, shall certify to the Sudder Adawlut, under the hands of the Judge and the seal of the court, the dismission of the appeal and the grounds of the dismission.

Cases in which the Sudder Adawlut is empowered to refer appeals to the Provincial Court to be tried and determined.

Appeal to be dismissed, if the appellant shall omit or refuse to proceed in it for six weeks.

Provincial Court to notify the dismission of the appeal to the Sudder Adawlut.

Second. The Sudder Adawlut is vested with authority to receive petitions respecting appeals or matters which may be depending, or have been decided, in the Provincial Court of Appeal; and provided it shall be proved, to the satisfaction of the court, that the petition was presented to the Provincial Court, and that they refused or omitted to receive it, the Sudder Adawlut is empowered to issue a precept, under the seal of the court and attested by the Register, commanding the Provincial Court to receive the petition, and to proceed respecting it according to the Regulations.

Cases in which the Sudder Adawlut may receive petitions respecting appeals or matters depending, or which may have been decided in the Provincial Court.

Sudder Adawlut how to proceed in such cases.

VI. The Sudder Adawlut is prohibited from corresponding by letter with parties in suits or process or matters depending before it, or coming within its cognizance. If a party in a suit, or any person amenable to the jurisdiction of the court, shall have any matter to represent to the court, he shall either appear in the court in person and represent the matter in writing, or shall make the representation in writing through an authorized Vakeel. The court shall pass such order upon the representation as shall appear to it proper, consistently with the Regulations; and shall cause a copy of the order, under the seal of the court and attested by the Register, to be delivered to the person making the representation or to his Vakeel.

Sudder Adawlut not to correspond with parties in suits or any person, respecting matters before the court or cognizable by it.

VII. In

In trying matters in the first instance, and in appeals, the Sudder Adawlut to be guided by the rules prescribed to the Zillah Courts.
Exceptions to the rule.

VII. In matters which the Sudder Adawlut may be empowered by any Regulation to try in the first instance, and also in appeals which may be preferred to the court from decisions of the Provincial Court of Appeal (except as to hearing witnesses and receiving evidence), the court shall proceed in the same manner, and with the like powers and authority, and subject to the same restrictions, limitations, and exceptions, as are prescribed to the Zillah Courts.

Sudder Adawlut how to proceed, in the event of the Judge of a Zillah Court, or the Provincial Court of Appeal, being charged with corruption.

VIII. If any person shall charge the Judge of a Zillah Court, or the Provincial Court of Appeal before the Sudder Adawlut, with having been guilty of corruption in opposition to his oath, the court shall receive the charge, provided the complainant shall previously make oath to the truth of it (or subscribe the required declaration, if he shall be of the description of persons whom the court are empowered to exempt from taking oaths), and give security, in whatever sum the court may judge proper, to appear and prosecute the charge when required. Unless the complainant shall take the oath or subscribe the abovementioned declaration, and give the required security, the court shall not receive the charge. If the court shall receive any such charge, or in the event of a charge of corruption against the Judge of any Zillah Court being transmitted to it by the Provincial Court of Appeal, under Section X, Regulation VI. 1812, the court (according as it may deem proper on a consideration of the circumstances of the case) may direct the parties to proceed to Bombay, that the charge may be tried before the Sudder Adawlut; or if the party accused shall be a Judge of a Zillah Court, the court may order the charge to be tried by the Provincial Court of Appeal; or if the party accused be a Judge of a Provincial Court, the court may grant a special commission to three or more persons to assemble and try the charge; or in any of the cases mentioned in this section, they may recommend to the Governor in Council to order the party accused to be prosecuted in the King's Court of Judicature at Bombay by the law officers of Government, under the provisions made by Act of Parliament for such cases. If the charge shall be established, the Governor in Council will either remove such Judge from his office, or suspend him from the Honourable Company's service, or pass such other order as may appear proper. If the charge shall not be proved, the Judge so accused is to be at liberty to sue the accuser for damages, in any court of judicature to which he may be amenable. The rules contained in this section shall not be construed to prevent any individual who may have a charge of corruption to prefer against a Judge of any Zillah Court, or of the Provincial Court of Appeal, from prosecuting such charge in the King's Court of Judicature in the first instance, under the provisions made by Act of Parliament for such cases.

Punishment to which the party accused will be liable, if convicted.

If the charge shall not be proved, the accuser to be liable to be prosecuted for damages.

Rules contained in this section not meant to debar individuals from prosecuting such Judges in the King's Court in the first instance, under the Acts of Parliament.

What decision the Court may pass in appeals of any description which they may be empowered to try.

IX. The Sudder Adawlut is empowered to confirm or reverse, in whole or in part, all decrees from which the court shall or may be authorized to receive appeals, and to make such further order on all such decrees, as justice, equity, and good conscience may require, and award such costs to either party as it shall deem reasonable.

From what decrees of the Provincial Court of Appeal an appeal is to lie to the Sudder Adawlut.

X. *First.* If any person shall deem himself aggrieved by the decree of the Provincial Court of Appeal, passed subsequent to the date of the enaction

of

of this Regulation, for land or other real property being lakheraje (exempted from the payment of revenue to Government), the annual produce of which shall exceed fifty rupees, or for any landed estate being malguzary (paying revenue to Government), where the produce shall exceed five hundred rupees per annum, and in all other cases where the decree shall be for a sum of money or personal property, or real property, not of the descriptions above mentioned, the amount of which shall entitle the party to appeal under Section VI., Clause fourth, Regulation II. 1808, such person shall be at liberty to appeal from the decision to the Sudder Adawlut by petition of appeal.

To whom the petition of appeal is to be first presented.

Second. In cases in which an appeal shall be intended to be preferred, such appeal shall be presented in the first instance to the Provincial Court of Appeal. The Provincial Court shall, on the next court day, or as soon afterwards as may be practicable, admit the same, under the conditions in that respect prescribed.

What the petition of appeal is to contain.

Third. The petition of appeal shall state (respect being had to the matter decreed) the annual produce of the land, whether lakheraje or malguzary, the sum of money or the value of the property which shall have been decreed, the name of the person in whose favour the decree shall have been given, the court in which it shall have been passed, when it was made, what was decreed by it, and whether the decree has been executed, and shall assign some cause, special or general, for appealing from the decision. The amount adjudged by the Provincial Court against the party desiring to appeal, or the amount of his claim disallowed by the decree from which he may be desirous to appeal, shall be the standard for determining his right to appeal, under the limitations prescribed by the Regulations.

What shall be the standard for determining the right to appeal.

What the petition of appeal is to be accompanied with.

Fourth. The petition shall be accompanied with an attested copy of the decree of the Provincial Court, or by a written declaration signed by the party desirous to appeal, or his Vakeel, that ten days after the decision was passed he applied to the Court for a copy of the decree and was denied it.

Period limited for preferring appeals.

Fifth. The petition shall be presented to the court in which the decree shall have been passed within three calendar months after the day on which the decree shall have been delivered to the party, *viz.* within ten days after the decree shall have been passed in open court. But it shall nevertheless be permitted to such person to prefer his petition of appeal after the expiration of the three months; and the court is authorized to admit the appeal, provided the petitioner can shew just and reasonable cause, to its satisfaction, for not having preferred it within the limited period. But whenever the court shall admit an appeal which may be preferred to it after the limited time, it shall enter upon its proceedings its reasons at large for admitting the appeal.

Cases in which the Sudder Adawlut may admit appeals after the limited time.

Court to record their reasons for admitting an appeal after the limited time.

Execution of decrees appealed from to be suspended during the appeal under the prescribed security.

Sixth. In all authorized cases of appeal from the decrees of the Provincial Court to the Sudder Adawlut, the court in which the decree appealed from shall have been passed shall suspend the execution of it during the appeal; provided the party against whom the decree shall have been passed shall, at the time of preferring his appeal, or within such reasonable period afterwards as shall be fixed for the purpose, deliver good and sufficient security, in a sum equal to one year's amount of the annual produce of the landed estate,

land or house, or other real property which shall have been decided, and in all other cases, good and sufficient security, in an amount equal to the sum of money or value of the thing decreed, for the performance of the decree which may be passed upon the appeal.

Parties desirous of appealing to deliver good security for the costs that may be awarded on the appeal, including fees of pleaders.

Seventh. In all authorized cases of appeal, the party desirous of appealing shall, with his petition of appeal, deliver good and sufficient security for the payment of the costs which shall be awarded on the appeal, including the fees of his pleader, in case he shall intend to employ any in his appeal.

No appeal to be admitted without such security, or proof of inability to find the same.

Without such security, or without proof of inability to find the same, as required with respect to paupers by Regulation X. 1802, no appeal shall be admitted.

Presenting a petition of appeal without the required securities, before the expiration of the time limited for appealing, declared not to preserve the right of appeal.

It is hereby declared, that the presenting a petition of appeal without the security required by this clause, before the expiration of the time limited for appealing, shall not be considered to preserve to the appellant his right of appeal, as far as respects the limitation in question.

Exception.

Provided, however, that if a party appealing, who shall declare his intention to prosecute his appeal in person, shall afterwards be desirous to appoint an authorized Vakeel to act for him, and his petition to this effect, or the vukalutnamah appointing such Vakeel, shall deliver good and sufficient security for the fees of such pleader, in addition to the security for costs before delivered by him, such further security shall be admitted; and nothing in this Regulation shall be understood to affect the right of appeal in such cases.

No pleader, however, to act until security has been given for his fees.

Exception.

But no pleader shall, in any instance, be allowed to act in any court, until security shall have been given for his established fees; except under the provisions for paupers.

When the appellants have entered into the securities the senior Judge is to make the endorsement herein required;

Eighth. When the securities above required shall have been entered into, the senior Judge of the Provincial Court is immediately to endorse on the petition, in his own hand-writing, the day of the month and year in which it was presented, and shall sign it with his name, and cause to be written in the margin of the record, immediately opposite to the decree of the court, the word "appealed," and shall transmit the petition to the Sudder Adawlut.

And transmit it to the Sudder Adawlut; and notify to the appellant that the proceedings will be certified to the Sudder Adawlut in fifteen days, and that if he shall not proceed in the appeal in six weeks from the date of the petition being filed in the above court it will be dismissed.

The court shall, at the same time, direct notice in writing to be given to the appellant, that within fifteen days the proceedings held in the cause appealed will be certified to the Sudder Adawlut; and that if he shall not proceed in the appeal within six weeks after the petition of appeal shall have been filed in the Sudder Adawlut, his appeal will be dismissed, unless he shall show reasonable cause, to the satisfaction of that court, for not having proceeded in it.

Sudder Adawlut may, in particular cases, require further security during appeals, if on application of the parties the security taken appear insufficient.

Ninth. Notwithstanding the appellants in causes depending before the Sudder Adawlut shall have entered into the securities required of them by the above clauses in this section, that court is further authorized, in cases wherein from delay in the decision the securities originally so given may afterwards appear insufficient, in respect to the period of time the cause has been pending or is likely to remain still undecided, on the application of the respondent or respondents, in all such cases, to require any additional security which it may deem necessary, to secure the party who shall have obtained a judgment in his favour from any loss by such judgment not being executed while the appeal shall be depending; and in default of such further security being given within a reasonable period to be fixed for that purpose, the court is empowered to direct the judgment in question to be carried into execution, in like manner as if no securities had originally been given by the appellant:

In default of such farther security being given by appellants the judgment to be executed.

provided

provided that, in such cases, good and sufficient security, as prescribed by the Regulations, be given by the respondent previous to his being put in possession of the property in litigation. The supplemental security required in this clause, as necessary to maintain a depending appeal, is carefully to be distinguished from the securities originally necessary to warrant the cause being appealed: the supplemental security being only demandable by the Sudder Adawlut after a lapse of time; the original securities being requirable by the Provincial Court previous to the petition of appeal being admitted.

Provided the prescribed security be given by the respondent.

Tenth. As cases may occur, wherein neither the appellant or respondent may be able to give the prescribed securities for staying the execution of the decree, or for the execution thereof in favour of the plaintiff, it is hereby enacted, that in all such cases the property adjudged shall be held in attachment during the appeal, or until such time as one of the parties shall be able to give the required securities, by the Collector of the district wherein the land may be situated, at the expense of the party who may be ultimately declared entitled thereto, under the provisions in that respect established. No attachment, however, shall be made by any Collector, in the cases herein supposed, until he shall receive a precept, requiring him to make the same, from the Provincial Court wherein the original judgment in the cause shall have been passed; which precept shall state specifically the property to be included in the attachment, and shall require the Collector to continue the same until ordered to be withdrawn by a further precept from the court, to be issued either on the prescribed securities being given by one of the parties, or on the cause being finally determined.

Provision for cases wherein neither the appellant or respondent may be able to give the prescribed securities.

The Collectors to hold the adjudged property in attachment in such case.

Eleventh. If a petition for an appeal to the Sudder Adawlut shall be rejected, on whatever ground, by the Provincial Court, such court shall, on the court day next ensuing, or as soon afterwards as may be practicable, cause the appellant to be furnished with a copy of their order for rejecting the appeal, and the appellant shall be still at liberty to present his petition of appeal to the Sudder Adawlut, in the mode and under the restrictions prescribed by this section; provided that such petition set forth the previous application made to the Provincial Court and the rejection of the appeal by that court, and be accompanied by a copy of the order of rejection, or by a declaration that such copy was applied for ten days after the same was passed and not obtained.

Provincial Court, on receiving a petition of appeal to the Sudder Adawlut, to furnish appellant with a copy of their order for such rejection:

and appellant at liberty to present his petition of appeal to the Sudder Adawlut, under restrictions prescribed by this section.

Twelfth. If the party desiring to appeal shall neglect or refuse to enter into the securities, in the manner prescribed in this section, the court by whom the decision may have been passed is to order the decree to be executed.

Where the appellant does not comply with the rules of appeal, decree to be executed.

Thirteenth. In all cases wherein an appeal shall lie, under the existing Regulations, to the Provincial Court of Appeal from the decision of a Zillah Court, and in which the Provincial Court shall have refused to admit the appeal, on the ground of delay, informality, or other default in preferring it, or after having admitted the appeal shall dismiss it on the ground of some default, without investigating the merits of the cause, it shall be competent to the Sudder Adawlut to receive an appeal from the order or dismissal of the Provincial Court, whatever may be the amount or value at issue in the cause, provided such appeal be preferred in conformity to the rules prescribed

Rules for authorizing the Sudder Adawlut to take cognizance, in certain cases, of appeals which the Provincial Court may have refused to admit, or dismissed without investigation.

scribed with regard to other appeals, to the Court of Sudder Adawlut; and if it shall appear to that court, on examination of the proceedings of the Provincial Court, that the appeal was rejected or dismissed by the latter on insufficient grounds, it may order the Provincial Court to receive the appeal, or to revive it if received and dismissed, and to try and determine the cause upon its merits according to the Regulations. Provided further, however, that if such appeals shall, on inquiry, be found groundless and litigious, the Court of Sudder Adawlut shall, in all such instances, punish the litigious appellant, as authorized by Section XII. in other cases of litigious appeal, *viz.* by a fine to Government proportionable to the condition of the party and to the circumstances of the case.

Provision respecting litigious appeals.

Record, including original papers in the cause appealed, to be transmitted to the Register to the Sudder Adawlut, in fifteen days after the receipt of the appeal.

Copies of all the original papers transmitted, attested by the Seristadar, to be deposited amongst the records of the court.

Copies to be deemed records and to be received in evidence.

Copies of original papers to be sent to the Sudder Adawlut, where the originals cannot be sent for the reasons herein specified.

XI. The court, within fifteen days after the receipt of the appeal, shall certify, under their hands and the seal of the court, to the Register of the Sudder Adawlut, the record duly made up and authenticated, including the original petition of appeal and answer of the parties, the original papers and documents received from the Zillah Court, the original depositions (where any shall have been taken before the Provincial Court), exhibits, and every original paper read in the cause. Previous to transmitting the above-mentioned papers to the Sudder Adawlut, the Provincial Court shall cause true and faithful copies of all the originals, authenticated by the Seristadar or head native officer of the court, to be made out and deposited in the court in lieu of the originals. The copies shall be deemed to be records of the court, and shall be received in evidence in any other court. In cases where any original depositions, or other original proceedings or matter whatsoever, shall have been previously entered in the Provincial Court, in any book which may likewise contain proceedings in other distinct causes, or any other matter, so that such original papers cannot be transmitted to the Sudder Adawlut without the other proceedings or matters, the court, within the time and in the manner before directed, shall certify a true and authentic copy of such original papers, and that the original of each copy transmitted is so entered in such book. But the court shall nevertheless transmit the original petition of appeal, the original answer or other separate pleadings of the parties, and the original exhibits which shall have been delivered in or produced by the parties, and read in the course of the cause before the court, if they be forthcoming, in the manner before required. In cases where any original paper shall have been mislaid or lost, and a copy of it shall have been entered in any book or proceedings, the copy shall be deemed to be the original, and the court shall transmit a copy of it to the Sudder Adawlut, and in like manner to certify it, and that after due search the original cannot be found.

Recorded copies of original papers not forthcoming to be deemed the originals, and copies of them to be forwarded and certified as herein required.

Interest to be allowed on sums adjudged by the decree appealed from, if confirmed, and litigious appeals to be punished by fine.

XII. If the Sudder Adawlut shall confirm the decree of the Provincial Court, it shall adjudge interest, at the rate of one per cent. per mensem, on all sums receivable by the respondent under the decree; and the Sudder Adawlut is authorized to punish appeals which may appear to it to be litigious by a fine to Government, proportionate to the condition of the party and the circumstances of the case.

All process of the Sudder Adawlut (with the exceptions herein

XIII. All process, both to parties and witnesses, and every rule or order for the execution of a decree or final order, and every other order whatever

whatever which may issue from the Sudder Adawlut, shall be written or printed in such of the languages of the country as the court may direct, and shall be sealed with the seal of the court and signed by the Register. All such process, rules, and orders, which are to be served or executed on any parties, witnesses, or persons (exclusive of the parties, Vakeels, or persons in actual attendance on the court), shall be directed to the Provincial Court. Every such process, rule, and order, shall limit a certain time in which it is to be served, executed, and returned to the Sudder Adawlut. If the Provincial Court to whom any process, rule, or order whatever may be directed, shall wilfully disobey or neglect to perform the commands contained in it, or make a false return, the Judges of the court who may commit such offence shall be liable to be suspended from their office by the Sudder Adawlut. If the Sudder Adawlut shall suspend any Judge or Judges of the Provincial Court under this section, they are to notify the suspension to the Governor in Council within ten days after it shall take place, together with the cause of it; and shall certify, under the seal of the court, the proceedings, depositions, and exhibits, and all other matters which may be necessary to enable the Governor in Council to pass a determination upon the suspension, and to transmit to him, on his requisition, any further papers and proceedings respecting the cause which he may deem necessary for his information. But the Sudder Adawlut is empowered, in cases in which, for the sake of expedition or other purpose, it shall judge it expedient so to do, to issue any process to parties or witnesses immediately through the proper Zillah Court, instead of directing it in the first instance to the Provincial Court of Appeal. In such cases, the process shall be executed and returned directly to the Sudder Adawlut; and the Judge to whom it shall be directed shall be subject to like penalties for making a false return, or other default in the execution of the orders contained in the process, as he would have been liable to had the process been issued from the Provincial Court.

specified) to be issued through the Provincial Court of Appeal.

Judges of the Provincial Court liable to be suspended by the Sudder Adawlut for refusing or omitting to obey or to conform to their process or requisitions.

Sudder Adawlut to report to the Governor in Council the suspension of Judges under this section within ten days.

Cases in which the court may issue process to parties or witnesses immediately through the Zillah Courts.

XIV. In all cases in which process, either to a party or witness, and all process whatever, and every rule or order for the execution of any decree or final order, or any order relating to a cause depending in the Sudder Adawlut, which may be directed by such court to the Provincial Court of Appeal, the court to whom the process shall be directed shall execute the order contained in the process, rule, or order, and return it so executed within the time limited, or return to the Sudder Adawlut good and sufficient reason why it has not been served or executed. When any process, rule, decree, or order, for the execution of any decree or final order, or any order whatever, shall be transmitted by the Sudder Adawlut to the Provincial Court of Appeal to be served or executed, the return to such process, rule, order, or decree, shall be made by the court, either by endorsement on the process, rule, order, or decree, or be written on a paper firmly annexed to it; and if the return be made in the last-mentioned manner, there shall be an endorsement on the process, rule, order, or decree, referring the Sudder Adawlut to the return contained in such annexed paper, and the court shall cause a copy of the process, rule, order, or decree, together with the return to it, to be deposited amongst the records of the court. And in all cases in which the Sudder Adawlut shall transmit any order or process to be served or executed by the Provincial Court against a party in a cause, and the party on whom

Process of the Sudder Adawlut how to be served by the Courts.

To return the process executed, or reasons why it has not been executed.

Form and manner in which the return is to be made.

Court to cause a copy of the process and return to be deposited amongst the records of the court.

Court how to proceed in case any such process cannot be served upon the party in consequence of his absconding or otherwise avoiding it.

whom it is to be served or executed shall not after diligent search be found, or shall have absconded, or shall have shut himself up in his own or any house or building, or shall retire to any place so that the process cannot be served upon him, the court to which the process shall have been directed shall cause to be fixed up in some conspicuous part of the room in which the court shall be held, a writing in the Persian and Guzeratty languages and characters (or Persian and Concannee in respect to Salsette and its dependencies), containing a copy of the order or process, and a notice that if the party shall not obey the exigence of it within the time limited, the Sudder Adawlut will, without further notice, process, or order, proceed *ex parte* to hear, try, and determine the cause to which such process or order may relate: and the court shall likewise cause a copy of such writing to be fixed up, with all practicable dispatch, on the outer door of the house in which the party shall have commonly dwelt, or in some conspicuous place in the village in which he may have usually resided, and to return to the Sudder Adawlut, in the manner before directed, how he has executed the process.

Court to fix up a writing in the court-room and at the place of residence of the party.

What the writing is to contain.

Sudder Adawlut to proceed *ex parte* when the Provincial Court shall report that a party has absconded, or was not to be found, after the observance of the forms herein directed.

XV. If the Provincial Court of Appeal shall return that the party has absconded, or shut himself up in his own or any house or building, or retired to any place so that the process could not be served upon him, or that he was not after diligent search to be found, and that the court had caused the writing to be fixed up in the places and manner directed, and the party shall not appear and obey the exigence of the process, rule, or order, the Sudder Adawlut shall proceed *ex parte* to try and determine the cause in which the process, rule, or order, shall have issued, in the same manner as if the party had appeared and obeyed the exigence of the process.

Cases in which the Sudder Adawlut is empowered to take new evidence in appeals, or to refer them back for further evidence to the Provincial Court.

XVI. The Sudder Adawlut is empowered in cases of Appeal, in which it shall appear to them that the original suit has not been sufficiently investigated in the Provincial Court of Appeal, or for any other cause which may be deemed reasonable by the court, either to receive such further evidence as the court shall think necessary for the just determination of the suit, and give judgment upon it, or to refer the suit back to the Provincial Court, accompanied by such special directions to the Provincial Court, with regard to the new evidence it is to receive respecting the suit, as may be deemed by the court most conducive to justice and the convenience of the parties and witnesses. But in every case in which the Sudder Adawlut shall exercise the power above vested in it, the court shall enter upon the record of the trial their reasons for having exercised it. In cases in which the court shall judge it proper to receive such further evidence themselves, the court is empowered, according as it shall deem most conducive to justice (respect being had to the nature of the cause and the evidence), either to examine the witnesses to be produced *vivâ voce* in open court, first causing the witnesses to be sworn and their depositions to be reduced into writing and signed by the deponents respectively, or to authorize the Register of the court to swear the witnesses and take their depositions, and to cause the deponents to sign them, and to authenticate them with their signatures. The Register, in such case, shall examine the witnesses in the presence of both parties or their Vakeels, who are to be at liberty to put any questions to the witnesses

Sudder Adawlut to state their reasons on the record of the trial, whenever they may exercise the powers above vested in them.

Court empowered to hear the evidence in the cases above specified *vivâ voce*, or to order their Register to take it.

witnesses that they may think proper; and the questions, with the answers to them, are in the same manner to be reduced into writing, signed and authenticated. But if due notice be given to the parties or their Vakeels of the examination of any witness or witnesses before the Register, and he or they shall not attend at the time of the examination, the Register shall proceed in the examination as before directed, and the depositions shall be received as good and authentic evidence.

Cases in which the Sudder Adawlut may dispense with the oaths of witnesses;

XVII. The Sudder Adawlut may dispense with the oaths of the descriptions of witnesses which the Zillah Courts are authorized to exempt from taking oaths, on their signing in open court the declarations which are required to be subscribed by such witnesses in the Zillah Courts. Where witnesses shall be women of the description specified in Section VI. Regulation II. 1800, or shall reside out of the jurisdiction of the court, the court shall grant such commissions as the Zillah Courts are authorized to grant, for the examination of such witnesses upon similar occasions: and the Sudder Adawlut may issue such commissions to creditable women, and send such letters to the Provincial Court, for the examination of witnesses in the cases in which the Judges of the Zillah Courts are authorized to send such commissions and letters.

or direct their evidence to be taken by commission.

Sudder Adawlut how to proceed where witnesses do not attend, or refuse to be sworn, or to give their depositions, or any persons are guilty of contempt of court or perjury.

XVIII. If a witness duly summoned shall not attend, or attending shall refuse to be sworn or give evidence, or to subscribe his deposition, or if such witness or any person shall be guilty of wilful or corrupt perjury in a cause depending in the court, or any contempt of court, in open court, the Sudder Adawlut shall proceed with such witness or person in the same manner as the Provincial Courts are authorized to deal with the witnesses or persons in like manner offending.

Court to dismiss appeals if the appellants omit to proceed in them within six weeks without shewing sufficient cause for the omission.

Reasons for the dismission of the appeal to be recorded.

XIX. If the appellant in an appeal filed in the Sudder Adawlut shall not proceed in the appeal for six weeks, the appeal shall be dismissed; unless the appellant shall show reasonable cause, to the satisfaction of the court, for not proceeding in it, and the court shall, if it shall deem it equitable so to do, award to the respondent costs of suit. But in all such cases, the court shall enter at large upon its proceedings the grounds upon which it may permit or refuse to allow the appellant to proceed.

No persons to be heard *vivâ voce*, in any stage of a cause, excepting principals, their witnesses, or Vakeels duly empowered.

XX. In such suits as by any Regulation shall be authorized to be tried in the first instance before the Sudder Adawlut, and in appeals that shall be heard by that court, no proceedings shall be held, nor any acts whatever done, either on behalf of plaintiff or defendant, or the appellant or respondent, excepting by the plaintiff or defendant, the appellant or respondent, respectively, or by a Vakeel admitted to plead in the court under the established Regulations, nor by any Vakeel before his vukalutnamah shall have been filed in the court; and no persons excepting such parties or their witnesses, or such Vakeels, shall be heard *vivâ voce* in any stage in the cause.

Sudder Adawlut empowered to order the Provincial Court to enforce decrees for sums of money against landholders, by the same process as those courts

XXI. The Sudder Adawlut is empowered, in every case in which a sum of money is decreed to be paid by a Zemindar, independent Talookdar, or other landholder, to issue an order to the proper Provincial Court to execute the decree, in the same manner as the Provincial Court is authorized to

execute

may enforce such decrees passed by themselves.

execute decrees, by which a sum of money shall be decreed to be paid by any of the descriptions of persons above-mentioned.

Petitions of Appeal from decisions founded on awards of arbitration to be dismissed with costs.

XXII. If a petition of appeal shall be preferred against the decision of the Provincial Court of Appeal, founded on an award of arbitration, it shall be dismissed with costs; unless it be fully proved to the satisfaction of the court, by the oaths of two credible witnesses, that the arbitrators have been guilty of gross corruption or partiality in the cause in which they shall have made the award.

Court empowered to authorize the Provincial and Zillah Courts to make occasional adjournments.

XXIII. The Sudder Adawlut is empowered to permit the Judges of the Provincial Court of Appeal and the Zillah Courts to adjourn their respective courts occasionally, for any period not exceeding one month, so that such adjournments collectively do not exceed two months in each year.

Sudder Adawlut how to proceed against Zemindars, independent Talookdars, or dependent Talookdars, or other landholders who may resist their process.

XXIV. If a Zemindar, independent Talookdar, or a dependent Talookdar, or other landholder shall resist, or cause to be resisted, any process, rule, order, or decree, which may at any time issue from the Sudder Adawlut, the court, on proof of the resistance being made by oath to their satisfaction, is to cause the offender to be summoned to answer to the charge.

Offender to be summoned to answer for his conduct.

If the offender shall abscond, or shut himself up in his own or any house, or in any building, or retire to any place, so that he cannot be served with the summons, the court shall proceed against him in the manner directed with regard to other persons absconding, or otherwise acting as above specified, so that they cannot be served with the process of the court.

Court how to proceed if the offender shall not obey the summons.

Decree to be passed if the offender shall not appear, or shall appear and be proved guilty of the charge.

If the offender shall not appear within the prescribed time, or if he shall appear, and after receiving his answer to the charge, and hearing the evidence which he may produce in his defence, it shall be proved to the satisfaction of the court that he is guilty of the charge, the court shall decree that the offender shall, from the date of its decree, forfeit his zemindarry, talook, or other estate, in which such resistance shall have been made; or if the resistance shall have been made out of the limits of the estate of the offender, the zemindarry, talook, or other landed property, which he may possess within the jurisdiction of the Zillah Court, to which the execution of the process resisted shall have been committed.

A copy of the decree to be sent to the Governor in Council.

The court shall immediately forward a copy of their decree and proceedings to the Governor in Council.

If the lands are decreed forfeited, the Governor in Council may confirm the decree, or commute the forfeiture for a fine.

It shall be at the option of the Governor in Council, on the receipt of a decree adjudging the lands of any person forfeited under this section, either to order it to be executed, or to commute the forfeiture for such fine as, upon a consideration of the situation and circumstances in life of the offender, he shall think adequate to the offence for which the decree may be passed.

If the forfeiture is commuted for a fine, how the amount is to be levied.

If the Governor in Council commute the forfeiture for a fine, the court, upon receiving notice of the fine that he shall impose, shall levy the amount of it, by the same process by which they are directed to enforce their decrees.

If the decree is declared final, the court is to issue a process to the Collector to sequester the lands.

In the event of the Governor in Council ordering the decree to be executed, the court shall issue a precept, under the seal of the court and the signature of the Register, requiring the Collector of the revenue of the zillah to depute an Aumeen, with a proper establishment of officers (whose allowances shall be specified in the precept), to sequester the lands and collect the rents and revenues. If the lands of the defaulter shall be deemed by the court too inconsiderable to admit of their being charged with the expense of an Aumeen, the court shall

shall direct a precept to be issued to the Collector of the zillah, to order the nearest Tehsildar, or other officer employed under him in the business of the collections, to take charge of the lands. The officer shall perform the duties prescribed to Aumeens in such cases, and under the same restrictions and penalties.

How lands forfeited under Section XXIV. are to be disposed of.

XXV. If the decree adjudging the lands of the offender forfeited shall be confirmed or stand good under Section XXIV, it shall be at the option of the Governor in Council either to confer the rights which the offender possessed in the lands on his heirs, upon their agreeing to make good all sums whatever which shall be due to Government from the offender on account of the lands forfeited, and to pay the fixed public revenue assessed upon them, or if it be a dependent Talookdar, the revenue payable from it to the proprietor within whose estate it shall be situated, or to order the lands to be disposed of at public sale.

Sudder Adawlut how to proceed against persons holding farms of Government, who may resist their process. Offender to be summoned to answer for his conduct.

Court how to proceed if the offender shall not obey the summons.

XXVI. If a farmer of land, holding a farm immediately of Government, shall resist, or cause to be resisted, any process, rule, order, or decree, which shall at any time issue from the Sudder Adawlut, the court, on proof of the resistance being made by oath to their satisfaction, are to cause the offender to be summoned to answer to the charge. If the offender shall abscond, or shut himself up in his own or in any house or building, or retire to any place so that he cannot be served with the summons, the court shall proceed against him in the manner directed with regard to other persons absconding, or otherwise acting as above specified, so that they cannot be served with the process of the court.

Decree to be passed by the court, if the offender shall not appear, or shall appear and be proved guilty of the charge.

If the offender shall not appear within the prescribed period, or if he shall appear within the limited time, and after receiving his answer to the charge, and hearing the evidence which he may have to produce in his defence, it shall be proved to the satisfaction of the court that he is guilty of the charge, the court shall decree the lease cancelled from the expiration of the revenue year in which the decree shall be passed.

A copy of the decree to be sent to the Governor in Council.

Option reserved to the Governor in Council to confirm the decree, or commute it for a fine, and to compel the farmer to perform the condition of his lease.

The Sudder Adawlut shall immediately forward a copy of the decree and proceedings to the Governor in Council. It shall be at the option of the Governor in Council, on the receipt of a decree adjudging the lease of a farmer annulled under this section, either to order the decree to be executed, or to commute the forfeiture of the lease for such fine as, upon a consideration of the situation and circumstances in life of the defaulter, he shall think adequate to the offence for which the decree shall be passed; or if the offender shall not be desirous of being continued in his farm, to fine him as above prescribed, and compel him to retain the farm during the remainder of the lease, and to hold him and his surety responsible for the discharge of their engagements until the term of them shall expire.

How such fines are to be levied.

If a fine shall be imposed upon the offender, the court, upon receiving notice of the fine, shall levy the amount of it by the same process as is prescribed for enforcing decrees of the court.

If the lease of the offender should be annulled, how balances due from him are to be recovered.

If the lease of the offender shall be annulled, and a balance shall be due from him to Government at the close of the year in which the lease shall be cancelled, both he and his surety shall be held responsible for the payment of the amount, and the Collector of the revenue of the zillah is empowered to proceed against them for the recovery of it, agreeably to the rules in that respect established.

Farmers whose leases may be cancelled how to recover balances.

The offender is permitted

permitted to prosecute, in the Adawlut of the zillah in which the farm shall be situated, the dependent Talookdars, under-farmers, and Ryots, in the lands included in the farm, for any arrears of rent or revenue which shall be due from them to him, on account of the period during which his lease remained in force.

Court how to proceed against persons resisting process who are not landholders, Talookdars, or farmers.

XXVII. If any person, not being a Zemindar, independent Talookdar, or other landholder, or a dependent Talookdar, or a farmer of land, holding a farm immediately of Government, shall resist, or cause to be resisted, any process, rule, order, or decree, which shall at any time issue from the Sudder Adawlut, the court, on proof of the resistance being made by oath to its satisfaction, shall cause the offender to be summoned to answer to the charge. If the person for whom the summons may be issued shall abscond, or shut himself up in his own, or in any house or building, or retire to any place so that he cannot be served with the summons, the court shall proceed against him in the manner directed with regard to other persons absconding, or otherwise acting, as above specified, so that they cannot be served with the process of the court. If the offender shall not appear within the prescribed period, or if he shall appear within the limited time, and after receiving his answer, and hearing the evidence which he may have to produce in his defence, it shall be proved to the satisfaction of the court that he is guilty of the charge, the court shall adjudge the offender to pay such fine to Government as may appear to it proper, upon a consideration of his situation and circumstances in life, and the offence for which the decree may be passed.

Offender to be summoned to answer for his conduct.

Court how to proceed if the offender shall not obey the summons.

How the Court is to enforce payment of the fine.

The court shall proceed to levy the amount, by the same process by which it is empowered to carry its decrees for sums of money into execution.

Proceedings of the Sudder Adawlut how to be numbered, marked, dated, and signed.

XXVIII. The petition of appeal, pleadings, depositions, and exhibits in the Sudder Adawlut, shall be numbered, marked, dated, and signed by the Register, in the same manner as the complaint, pleadings, depositions, and exhibits are ordered to be numbered, marked, dated, and signed by the Registers in the Zillah Courts. The decrees shall be signed by the Judges present in the court when the decrees shall be passed, and attested by the Register; and copies, so signed and attested, shall be delivered to the parties.

Decrees to be signed by the Judges and attested by the Register, and copies to be delivered to the parties.

Provincial Court to furnish translates of papers in the country languages which they may transmit to the Sudder Adawlut.

XXIX. The Provincial Court is to furnish the Sudder Adawlut with translates of all papers written in the country languages which they may transmit to the court, whether relating to causes appealed or other matters.

Court how to act in cases for which no rule may exist.

XXX. In cases for which no specific rules shall exist, the Sudder Adawlut shall act according to justice, equity, and good conscience.

Appeal to His Majesty in Council.

XXXI. An appeal shall lie from the decision of the Sudder Adawlut to the King's most Excellent Majesty and his most Honourable Privy Council, in all civil suits the value of which shall be five thousand pounds and upwards.

Petitions of appeal to the King in Council shall be presented to the Sudder Adawlut within six months; and such appeal to be admitted, provided the judgment appealed against shall, exclusive

XXXII. *First.* All persons desirous of appealing from a judgment of the Court of Sudder Adawlut to the King in Council are required to present their petition of appeal to the Court of Sudder Adawlut, either themselves or through one of the authorized pleaders of the court, duly empowered to present such petition in their behalf, within six calendar months from the

date

date on which the judgment appealed against shall have been passed; under which provision, and provided also the judgment appealed against shall, exclusive of costs of suit, be to the value of forty thousand Bombay or Surat rupees and upwards, the Court of Sudder Adawlut shall admit the appeal, and proceed upon it, as directed in the following sections of this Regulation, under the several restrictions therein prescribed.

of costs, amount to forty thousand rupees and upwards.

Second. For the purpose of determining what causes are appealable to His Majesty in Council, under the limitation of five thousand pounds and upwards, the pound sterling shall be computed at the rate of eight Bombay or Surat rupees, and consequently making five thousand pounds equivalent to forty thousand current Bombay or Surat rupees. The value of the property constituting the subject of the judgment appealed against shall be determined according to the nature of such property, whether land, money, effects, or otherwise, according to the general rules prescribed in like cases for determining the value of the same property, when constituting the cause of action in the Sudder Adawlut and the several civil courts subordinate thereto.

Appealable sum to be computed at the rate of eight Bombay or Surat rupees per pound sterling.

Value of property to be computed according to the general rules prescribed in like cases for the guidance of the Sudder Adawlut.

XXXIII. In cases of appeal to His Majesty in Council, the Court of Sudder Adawlut may either order the judgment passed by it to be carried into execution, taking sufficient security from the party in whose favour the same may be passed for the due performance of such order or decree as His Majesty in Council shall think fit to make on the appeal, or to suspend the execution of its judgment during the appeal, taking the like security, in the latter case, from the party left in possession of the property adjudged against him: but, in all cases, security shall be given by the appellants, to the satisfaction of the Sudder Adawlut, for the payment of all such costs as the said court shall think likely to be incurred by the appeal, as well as for the performance of such order or judgment as his Majesty in Council, his heirs or successors, shall think fit to give thereupon; and after receiving such security, the Court of Sudder Adawlut shall declare the appeal to be admitted, and shall give notice thereof to the appellant and respondent respectively, that they may take measures, the one to prosecute, and the other to defend the cause in appeal before His Majesty in Council, according to the established mode of proceeding.

The court may either order their judgment to be carried into execution, taking security from the party in whose favour the decree may have been passed to abide the event of the appeal, or suspend the execution, taking the like security from the party left in possession.

Appellants in all cases to give security for payment of costs, and for the performance of the final order or judgment on the appeal.

Appeal to be declared admitted on receiving such security, and notice to be given to the parties to prosecute and defend the same according to the established mode of proceeding.

XXXIV. In all cases wherein the Sudder Adawlut shall admit an appeal to His Majesty in Council, the court shall cause two exact copies to be made of all the proceedings held, and judgments or orders given in the case appealed, including the whole of the evidence and documents (translated into English, if the original documents be in any of the country languages), and are to transmit the same, as soon as prepared, under their official seal and the signature of their Register, to the Governor in Council, for the purpose of being forwarded by the first secure and separate conveyance to His Majesty in Council. The Register to the Sudder Adawlut shall also, on the application of the appellant or respondent, furnish him or them with one or more copies of the proceedings held, and judgments or orders passed in the case appealed, provided they shall respectively agree to defray such expense as shall be incurred thereby, but not otherwise: and the Register shall not deliver such copies, when prepared, without the previous payment of the expense incurred thereby; the amount of which shall be carried to the credit of

In all cases of appeal, two copies of all proceedings to be prepared in English, and transmitted, under the official seal and signature of the Register, to the Governor in Council, to be forwarded to His Majesty in Council.

The parties also to be furnished with copies of the proceedings on application, provided they agree to pay the expense of preparing the same.

of Government, by whom the necessary expenditure on this account will be made in the first instance.

Copies of any local regulation under which the judgment may have been passed, or which may have been referred to, is to accompany the proceedings.

XXXV. In case the judgment appealed from shall have been passed in pursuance of any local order, regulation or regulations enacted by the Governor in Council, or in case any such regulation shall have been referred to in the judgments passed by any of the courts, wherein the cause appealed from shall have been tried and decided, a copy of such regulation or regulations, or an extract therefrom, containing all that has reference to the matter at issue, shall be annexed to the several copies of the proceedings prepared in conformity to the preceding section, whether for delivery to the parties, or for transmission to His Majesty in Council.

Nothing herein contained to be understood to bar the exercise of His Majesty's pleasure upon all appeals to him, either in rejecting or admitting such as he may think proper under the Act or Acts of Parliament.

XXXVI. Provided always, that nothing in this Regulation is to be understood to bar the full and unqualified exercise of His Majesty's pleasure, upon all appeals to him from the decisions of the Sudder Adawlut, either in rejecting any he may consider inadmissible under the Act or Acts of Parliament, or in receiving any he may judge admissible, notwithstanding the provisions made in this Regulation, which has reference to the local jurisdiction only, and particularly to that of the Sudder Adawlut, as a necessary rule for its guidance.

Sudder Adawlut authorized to grant, in certain cases, a review of the proceedings referred to them for that purpose from the Provincial and Zillah Courts.

Also to admit of a revision of their own in cases not appealable.

XXXVII. Whereas, by the Regulations in that respect established, the Zillah and Provincial Courts are authorized to consent to a review of decrees passed by them, in suits not appealable to a superior court, the Court of Sudder Adawlut, in cases so referred to them, in that respect, by the Zillah and Provincial Courts, as well as in all cases wherein petitions may be preferred to them for a revision of their own judgments, not open to an appeal to His Majesty in Council, are authorized to grant the review desired, if, on due consideration of the reasons urged for the same, the circumstances of the case appear in justice to require it; such, for instance, as an error in judgment appearing on the face of the decree, or the discovery of new matter or evidence, which could not be had or used at the time when the decree was passed: but no new evidence or matter then in the knowledge of the parties, which might have been used before, shall be a sufficient ground for granting a review, unless, for special reasons, the Court of Sudder Adawlut should see just cause to admit the same, in which case such reasons are to be recorded at large in their proceedings. The court is further authorized, whenever it may judge it proper to grant a review, to direct the admission or rejection of any new evidence that may be offered, as well as generally to pass such orders upon the case as they may deem just and equitable; and all orders so passed by the court (except in cases appealable to His Majesty in Council) shall be decisive and final.

But no evidence, or matter which might have been before used to be a sufficient ground for granting a review, except for special reasons, to be recorded.

Sudder Adawlut authorized to direct the admission or rejection of new evidence in certain cases, and to pass such orders as they may deem just, and such orders to be final, except in cases appealable to His Majesty in Council.

Court, where the matter in dispute does not admit of an appeal, may direct depositions to be filed of record or not.

XXXVIII. Whereas the requiring the depositions of witnesses to be reduced into writing, and filed of record is productive of much expense and delay, in causes where the value of the matter in dispute cannot be made the subject of appeal, it shall be in the discretion of the Sudder Adawlut, in all such cases, either to direct the depositions of witnesses to be reduced into writing and filed of record, or not, as the court shall think fit in each particular case.

XXXIX.

XXXIX. Whenever a report of negligence or misconduct in the discharge of official duty shall be made to the Court of Sudder Adawlut, either in pursuance of the latter part of Section X., Regulation VI. 1812, or of Section X., Regulation IV. 1800, or in any case not expressly provided for by the Regulations, the Court of Sudder Adawlut, after such inquiry as shall be judged necessary, in proof or explanation of the circumstances stated, shall, if the case appear to require the notice of the Governor in Council, report the same to him, with a copy of all proceedings and papers received on the subject of it, for such orders as may be judged proper. The Court of Sudder Adawlut is directed to report to the Governor in Council all instances of wilful neglect of duty or aggravated misconduct by a covenanted servant of the Company employed in any of the civil courts, whether in a judicial or ministerial capacity, and whether such neglect or misconduct shall have been reported to the Court of Sudder Adawlut by a Provincial or Zillah Court, or shall otherwise appear from the proceedings and papers before the court. But if the case should appear to the court to involve an error of judgment only, or a slight default, for which an admonition from the court shall be deemed a sufficient correction, the Court of Sudder Adawlut, in the former case, is authorized to notice the error, for the information and guidance of the party who may have committed it, or, in the latter case, to advise him of his default and to admonish him accordingly.

Rules for the guidance of the Sudder Adawlut, on a report of negligence or misconduct in any of the Judges or officers of the civil courts.

In what cases court to report to the Governor in Council.

Errors of judgment, or slight defaults, how to be corrected.

XL. That the Sudder Adawlut and the Provincial Court of Appeal may be apprized of the nature and number of the causes decided monthly by the Registers to the Zillah Courts, their assistants and native Commissioners, a list of the causes determined by them in each month shall be subjoined to the monthly abstract register of causes decided by the Judge, required to be transmitted to the Sudder Adawlut by Section XI., Regulation VI. 1802, and a counterpart of which is to be also forwarded to the Provincial Court of Appeal; and the Judges shall likewise distinguish in their monthly abstract registers such decisions as they may pass in appeal from the decrees of the Registers, their assistants and native Commissioners, so that the Sudder Adawlut may be informed of the number of appeals so preferred and the decisions upon them; and in the half-yearly report of causes undecided, required to be transmitted to the Sudder Adawlut by Section XII. of that Regulation, a counterpart of which is in like manner to be furnished to the Provincial Court of Appeal, the Judges are likewise to distinguish such of the suits as may be depending in appeal before them from the decisions of their Registers, their assistants and native Commissioners, and also the suits that may be under trial before their Registers, their assistants and native Commissioners.

Causes how to be distinguished in the monthly registers.

XLI. By the last day of each month the Register to the Sudder Adawlut shall prepare, to be submitted to the court at its next meeting, a general report on the abstract registers, required to be furnished by the Zillah Courts by Section XI., Regulation VI. 1802, for the preceding month. The report is to specify the number of suits appearing in the abstract register of each court to have been determined by the Judge, and by his Register, or his assistant, or by the native Commissioners, or adjudged by the parties.

Register to submit to the court a monthly report on the abstract register of the Zillah Courts.

Register to submit a monthly report on the abstract registers of the Provincial Court.

XLII. The Register is likewise to prepare, by the last day of each month, to be submitted to the court at its next meeting, a report on the abstract registers required to be furnished by the Provincial Court of Appeal by Section XXXVIII., Regulation VI. 1812, specifying the number of appeals and causes determined or adjusted in the courts in the preceding month.

Report to be submitted by the Register on the half-yearly reports of the Zillah Courts of causes remaining undecided.

XLIII. On the 15th of February and the 15th of August in each year, or at the first court which may be held after those dates respectively, the Register shall submit to the court a report on the last half-yearly reports of causes depending in the Zillah Courts, which they are required to furnish by Section XII., Regulation VI. 1802. The report shall specify the number of causes depending before the Judge, the Register, his assistant, and the native Commissioners, in each zillah, and the number of causes depending in the preceding half-yearly report, so as to exhibit a comparative statement of the number of suits depending at the period of the transmission of the two reports. The Register is to annex to his report a summary of the reasons assigned by the several courts for any causes remaining undecided, which may have been inserted as depending in any of their preceding half-yearly reports.

Also a report of suits depending in the Provincial Court of Appeal previous to the last half-yearly reports.

XLIV. The Register is likewise to submit with the report required in the preceding section, a similar report on the causes depending in the Provincial Court of Appeal, as appearing in their two last half-yearly reports.

To notice what abstract registers or reports have not been transmitted.

XLV. In the event of any of the Zillah Courts or the Provincial Court of Appeal omitting to forward their monthly abstract registers or half-yearly reports, in time to enable the Register to submit the reports and statements above required, he is to notice the omission in his report, with the reasons for the deficient reports not having been forwarded, should any have been assigned by the courts.

Rule for facilitating the preparing of the Register's reports.

XLVI. *First.* To enable the Register to prepare the required reports and statements with greater facility the following rules are prescribed.

Second. The Judges of the zillahs are directed to insert at the bottom of their monthly abstract registers an abstract of the number of causes determined, as follows:

By the Judge.

In appeal from decisions of the Register:

Decreed or dismissed	2	
Adjusted by razenamahs of the parties	2	
		— 4

In appeal from the decisions of the Assistant Register:

Decreed or dismissed	2	
Adjusted by razenamahs of the parties	2	
		— 4

In appeal from decisions of the Native Commissioners:

Decreed or dismissed	2	
Adjusted by razenamahs of the parties	2	
		— 4

Tried in the first instance by the Judge:

Decreed or dismissed	2	
Adjusted by razenamahs of the parties	2	
		— 4
Carried over		16

Brought over 16

By the Register.

Decreed or dismissed 2
Adjusted by razenamahs of the parties 2
— 4

By the Assistant Register.

Decreed or dismissed 2
Adjusted by razenamahs of the parties 2
— 4

By the Native Commissioners.

Decreed or dismissed 2
Adjusted by razenamahs of the parties 2
— 4

Total... 28

Third. The Judges of the zillahs are to insert at the bottom of their half-yearly reports of causes remaining undecided, the number of suits depending, as follows:

Depending before the Judge.

In appeal from decisions of the Register 2
In appeal from decisions of the Assistant Ditto 2
In appeal from decisions of the Commissioners 2
Under trial before the Judge in the first instance 2
— 8
Depending before the Register 2
Depending before the Assistant Register 2
Depending before the Commissioners 2
— 6

Total... 14

Fourth. The Provincial Court of Appeal is to insert at the bottom of its monthly abstract registers, an abstract of the number of appeals or causes determined by them in the month, as follows:

Appeals.

Decreed or dismissed 2
Adjusted by razenamahs of the parties 2
— 4

Causes tried before the Court in the first instance.

Decreed or dismissed 2
Adjusted by razenamahs of the parties 2
— 4

Total... 8

Fifth. The Provincial Court of Appeal is to insert at the bottom of its half-yearly reports an abstract of the number of appeals or causes depending before them, as follows:

Appeals 2
Causes under trial before the court in the first instance 2

Total... 4

A. D.

A.D. 1812. REGULATION VIII.

A REGULATION *for the Provincial Court of Circuit for the Trial of Persons charged with Crimes or Misdemeanors:* PASSED *by the Governor in Council on the 16th December* 1812 *(corresponding with the 13th Margseer Sood, Sumbut or Vekramajit Era,* 1869; *Salbahan,* 1734; *and 11th Zilhuz,* 1227 *Hejry).*

Preamble.

I. ON the 7th of May 1805, as declared in Clause first, Section III., Regulation II. 1805, a Provincial Court of Circuit, consisting of three Judges and a Register, was instituted for the trial of criminal offences for the division of Broach, and generally comprehensive, also, of the several territorial acquisitions referred to in the preamble to that Regulation: and as the delivery of the jails at the northern zillahs required the earliest attention of the Judges, they were directed, in the discharge of their functions, to be guided by the prescriptions in Regulation III. 1800, and by the other Regulations for the zillah of Surat, which had been framed, printed, and published, in the manner directed by Regulation I. 1799. Those provisions, however, not having been found sufficiently comprehensive, and it being expedient that a specific Regulation should be promulgated for the guidance of the Provincial Court of Circuit and for the superior tribunal of the Governor in Council, the following rules have been accordingly enacted.

II. The Provincial Court of Circuit, as constituted on the 7th of May 1805, shall be composed of the Judges of the Provincial Court of Appeal; and previously to entering upon the execution of the duties of their office, the members are to take and subscribe the following oath before the Governor in Council, or such person as he may commission to administer it:

Oath to be taken and subscribed by the Judges of Circuit.

" I, A. B., solemnly swear, that I will truly and faithfully execute the " duties of Judge of the Court of Circuit; that I will administer justice " according to the Regulations that have been or may be enacted by the " Governor in Council, to the best of my ability, knowledge, and judg- " ment, without fear, favour, promise, or hope of reward; and that I will " not receive, directly, or indirectly, any present or nuzzer, either in " money or in effects of any kind, from any party, in any suit or prosecu- " tion, from any person whomsoever, on account of any suit or prosecution " to be instituted, or which may be depending, or have been decided, in " the Court of Circuit of which I am Judge; nor will I knowingly permit " any person or persons under my authority, or in my immediate service, " to receive, directly or indirectly, any present or nuzzer, either in money " or in effects of any kind, from any party in any suit or prosecution, or " from any person whomsoever, on account of any suit or prosecution to " be instituted, or which may be depending or have been decided in the " said court; nor will I, directly or indirectly, derive any advantage or " emolument from my station, excepting such as the orders of Government " do or may authorize.—So help me God."

Registers and assistants to the Registers of the Provincial Court of Appeal and the Zillah Courts to be Re-

III. The Register and the assistants to the Register of the Provincial Court of Appeal shall be Register and assistants to the Register of the Court of Circuit at the Sudder station: the Registers and assistants to the Regis-

ters

ters of the Zillah Courts shall also officiate in those capacities to the Judge on Circuit at each station. Previously to their entering upon the execution of the duties of their offices, respectively, they shall take and subscribe the following oath before the Court of Circuit:

Registers and assistants to the Registers to the Court of Circuit.

Oath to be taken and subscribed by them.

" I, A. B., Register (or assistant to the Register) to the Court of Circuit " do solemnly swear, that I will truly and faithfully perform the duties of " the Register (or assistant to the Register) to this court according to the " best of my knowledge and ability; and that I will not receive, directly or " indirectly, any present or nuzzer, either in money or in effects of any " kind, from any party in any suit or prosecution to be instituted, or which " may be depending, or have been decided in the Court of Circuit of which " I am Register (or to the Register of which I am assistant); nor will I, " directly or indirectly, derive any advantage or emolument whatever from " my office, excepting such as the orders of the Governor in Council do or " may authorize.—So help me God."

Cauzy, Mufty, and Pundit to the Court of Appeal, to be Cauzy, Mufty, and Pundit to the Court of Circuit at the Sudder station.

IV. The Cauzy, Mufty, and Pundit of the Provincial Court of Appeal, shall also be the Cauzy, Mufty, and Pundit of the Court of Circuit at the Sudder station, and shall not be removable, except on proof, to the satisfaction of the Governor in Council, that they are incapable, or have been guilty of misconduct in the performance of their public duty, or of any act of flagrant profligacy in their private conduct: and the Cauzies, Mufties, and Pundits of the Zillah Courts shall also officiate in those capacities to the Judge on Circuit.

The native officers of Zillah Courts to officiate as the native officers to the Judge on Circuit.

V. The Cauzies, Mufties, and Pundits of the Court of Circuit, previous to entering upon the execution of the duties of their offices, are to take and subscribe the following oath before the Court of Circuit:

Oath to be taken and subscribed by the native officers upon their first appointment.

" I, A. B., Cauzy (Mufty or Pundit) of the Court of Circuit, solemnly " swear, that I will truly and faithfully perform the duties of Cauzy (Mufty " or Pundit) of the court, according to the best of my knowledge and abi- " lity; and that I will not receive, directly, or indirectly, any present or " nuzzer, either in money or in effects of any kind, from any party in any " suit or prosecution to be instituted, or which may be depending or have " been decided in the Court of Circuit of which I am Cauzy (Mufty or " Pundit); nor will I, directly or indirectly, derive any advantage or emo- " lument from my office, excepting such as the orders of Government do or " may authorize."

VI. At the expiration of every six months, that is, on the 1st of January and the 1st of July in each year, the Cauzies, Mufties, and Pundits of the Court of Circuit shall take and subscribe the following oath:

Half-yearly oath to be taken and subscribed by the Cauzies, Mufties, and Pundits.

" I, A. B., Cauzy (Mufty or Pundit) of the Court of Circuit, solemnly " swear, that from the 1st of January to the 30th of June last (or from the " 1st July to the 31st December last) I have truly and faithfully executed " the duties of Cauzy (Mufty or Pundit) of this court, according to the " best of my knowledge and ability; and that I have not received, directly " or indirectly, any present or nuzzer, either in money or in effects of any " kind, from any party in any suit or prosecution, which has been or is to be " instituted, or is depending, or has been decided, in the Court of Circuit " of which I am Cauzy (Mufty or Pundit); nor have I, directly or indi-

" rectly, derived any advantage or emolument from my office, excepting " such as the orders of Government have authorized me to receive."

Sheristadars, and other native officers of the Provincial Court of Appeal, to be Sheristadars and officers of the Court of Circuit.

VII. The Sheristadars, and the other native officers of the Provincial Court of Appeal, shall be Sheristadars and officers of the Court of Circuit.

Three general jail deliveries to be made annually.

Judges to make three circuits for that purpose, setting out on the circuit on the 1st January, 1st of May, and 1st of September.

VIII. There shall be three general gaol deliveries annually in each zillah; for which purpose the junior Judges shall make three circuits in each year, setting out on the circuit on the 1st of January, 1st of May, and 1st of September. The junior Judges are each to proceed to the places of residence of the Magistrates of the several zillahs, the one to the southward and the other to the northward, whilst the senior Judge is to deliver the gaol at the Sudder station; and unless it be found indispensably necessary, from the non-attendance of any material evidence or other sufficient cause, to postpone any trial until a future session, the junior Judges shall remain at each station, until all persons committed or held to bail for trial by the Magistrate shall have been tried, and in matters on which sentence is directed to be passed by the Judges) sentence shall have been passed upon them, or (in cases in which the Judges are not authorized to pass sentence) the trial shall have been referred to the superior tribunal.

Judges to remain at the stations of such Magistrates until all the prisoners whose trials can be completed are tried, and sentence upon them is passed, or their cases are referred to the superior tribunal.

Provisions for cases of death and other casualties.

IX. In case of the death of either of the Judges proceeding on the circuit, or of his inability to perform the circuit, from sickness or any other unavoidable impediment, and in like manner, in case of the death of the senior Judge, the earliest notice of the circumstance is to be communicated to the Governor in Council, who will make such provision for the case as he shall judge most advisable.

X. All examinations of parties and witnesses are to be conducted in the manner prescribed in Sections XIV. and XV., Regulation III. 1800.

Manner in which the trial of the prisoners is to be conducted.

XI. The mode prescribed in Sections XXXVI., XXXVII., XXXVIII., XXXIX., XL., XLI., XLII., XLIII., and XLIV., Regulation III. 1800, is to form the rule of guidance for the trial of prisoners by the Court of Circuit.

Punishment to be inflicted on persons guilty of contempt of court in open court.

XII. The Court of Circuit is empowered to direct the Magistrate to cause any person or persons who may be guilty of contempt of court in open court to suffer corporeal punishment with a rattan not exceeding fifteen strokes, or imprisonment for any term not longer than fifteen days.

Incapacity or misconduct in public duty or profligacy in private behaviour in the law officers to be reported to the superior tribunal.

XIII. The Court of Circuit is to report to the superior tribunal every instance in which it shall appear to them that the native law officers have shown incapacity for their offices, or have been guilty of misconduct in the performance of their duty, or of any acts of profligacy in their private conduct.

Judges to visit the jails, and to issue orders for the better treatment, accommodation, or security of the prisoners.

XIV. The Judges of Circuit are to visit the jails on every circuit, and to issue to the Magistrates such orders as may appear to them advisable, for the better treatment, accommodation, or security of the prisoners.

Neglect or misconduct of the Magistrates to be reported by the courts to the superior tribunal.

XV. The Court of Circuit is to report to the superior tribunal every instance in which it shall appear to them that the Magistrates have been guilty of neglect or misconduct in the discharge of their duty. The court

is

is also to acquaint the superior tribunal whenever the Magistrates omit or refuse to obey their orders.

No Judge to absent himself from his station without leave, nor omit to go the circuit.

XVI. No Judge shall absent himself from his station without the previous sanction of the superior tribunal; nor shall any Judge, when present at his station, omit to go the circuit as prescribed, unless when prevented by indisposition or other unavoidable impediment, the earliest notice of which shall be transmitted to that court.

Courts to submit to the superior tribunal such propositions as may appear to them expedient for the better regulation of trials, or the administration of justice or the police.

XVII. The Judges are to submit to the superior tribunal such rules as may appear to them calculated for the better regulation of the trials of prisoners, the administration of justice, or the police of the country.

Sutars or others convicted of putting to death any person as a sorcerer to be held guilty of murder, and punished accordingly.

Persons holding an assembly for the trial of witchcraft to be considered accomplices.

XVIII. If any person or persons of the Sutar cast, or of any other cast or persuasion within the Company's provinces, shall hereafter put any person to death, on the ground of his or her being versed in and practising sorcery, such person or persons, on being convicted of the crime, shall be held guilty of murder, and be invariably punished accordingly: and if any persons shall either actually form themselves into an assembly, for the purpose of trying any man or woman on a charge of witchcraft, or on any other charge, or shall cause such assemblies to be held, and any person or persons shall in consequence be put to death, they shall be considered as accomplices in the murder and be dealt with accordingly.

Court of Circuit, if practicable, to transmit those trials, first, to the superior tribunal, on which the prisoners have been sentenced to capital punishment.

XIX. The Court of Circuit is required, by Section XLIV., Regulation III. 1800, to transmit to the superior tribunal copies and translates, in English, of their proceedings on the trial of all prisoners whom they may sentence to suffer death, or who may in their opinion be deserving of capital punishment, within ten days after the trial is completed, or as much earlier as from the state of business may be practicable. They are further directed, in the transmission of trials to the superior tribunal, to give a preference, as far as practicable, to those trials on which the prisoner or prisoners may have been sentenced to capital punishment, or may be liable to suffer such under the Regulations: and whenever the other duties of their Registers and assistants will not admit of their preparing the translations of trials referrible to the superior tribunal with the requisite expedition, they are authorized to employ any person or persons possessing an adequate knowledge of the language to make the translations, and to settle with them such compensation for their trouble in translating each trial as may be considered equitable, regulating the amount according to the number of sheets, or in such other mode as they may judge best calculated to prevent any undue charge, and transmitting to the Governor in Council a monthly contingent bill for the expense. The Judge of Circuit before whom the trial may have been held is however, in all instances, to examine and attest the translation, and will be held responsible for its accuracy.

In cases of emergency, Court of Circuit authorized to employ persons properly qualified, to translate trials referrible to the superior tribunal. Manner of settling the compensation to be allowed.

Contingent bill to be transmitted to the Governor in Council. The Judge of Circuit to attest, and to be responsible for the translation.

Judges after each Circuit to report their observations on the effect of the system, the state of the jails, and other particulars.

XX. The Judges of the Court of Circuit, on their return from each circuit, are to transmit to the superior tribunal a report, containing such observations as they have made during the circuit, regarding the effect of the present system for administering the criminal laws in the prevention and punishment of crimes, as well as respecting the state of the jails, the treatment

ment and employment of the prisoners, and such other matters as they may think deserving the notice of the court.

Court of Circuit how to be guided in the transmission of their proceedings.

XXI. The Court of Circuit, in the transmission of its proceedings to the superior tribunal, is to be guided by such forms and instructions as it may receive from that court.

Pecuniary compensations and sums as damages to individuals not in future to be recoverable in, nor to be adjudged by the criminal court; and no fines to be imposed but to the use of Government, with a definite period of imprisonment, to be held as equivalent to the fines imposed.

XXII. *First.* No pecuniary compensations, nor sums as damages, shall be adjudged to, or be recoverable by individuals in any criminal prosecution; nor shall any fines be imposed by any court of criminal jurisdiction, save and except to the use of Government: and whenever a fine to the use of Government shall be imposed, the court which may pass the sentence shall at the same time, weighing all the circumstances of the case, fix a definite period of imprisonment to be held as equivalent to the fine, at the expiration of which the persons convicted shall be discharged, although they should have omitted to pay the fine. The imprisonment awarded by the Court of Circuit under this section, as an equivalent for fines imposed by them, shall be temporary in all cases, and not for life, and their sentences shall be executed without reference to the superior tribunal.

Court of Circuit empowered, in certain cases, to commute sentences of fines to imprisonment for a term or for life; but when for life, their sentences referrible to the superior tribunal.

Second. Whenever the law officers of the Court of Circuit shall declare prisoners liable to pecuniary fines of any kind for any other acts than murder, the Court of Circuit shall, at its discretion, commute such fines to imprisonment, for such period as it may think adequate to the offence: and their sentences, in such instances, shall be carried into execution without reference to the superior tribunal if for temporary imprisonment, or referred to that court if for imprisonment for life, which shall, at its discretion, confirm the said sentences, or mitigate or entirely remit the imprisonment awarded.

This section not to prevent the restitution of stolen goods produced before the Magistrates and Court of Circuit; nor a reimbursement of costs in particular instances.

Third. Nothing contained in this section shall be construed so as to prohibit the restitution to the lawful owners of stolen property, recovered and produced before the Magistrates and Court of Circuit; nor to restrict the criminal court from adjudging a reimbursement of costs actually incurred upon a prosecution before them by either of the parties thereto, in particular instances, wherein they may consider such reimbursement just and equitable.

Judges of Circuit to transmit to the superior tribunal, as soon as possible after the close of trials referrible to that Court, a counterpart of the original record, with an English letter, stating their opinion on the case.

XXIII. The Judges of the Court of Circuit, before whom the quarterly jail deliveries for the several zillahs may be held, shall, as soon as possible after the close of any trial referrible to the superior tribunal, and with no further delay than may be necessary to transcribe the proceedings held thereupon, transmit to that court a complete and exact counterpart of the original record of all proceedings held and papers received relative to such trial, with a letter in English stating their opinion on the evidence and on the guilt or innocence of the prisoners. The record to be so transmitted is to be authenticated by the signature of the Judge and seal of the law officer before whom the trial may have been held, and is to include the whole of the proceedings held before the Court of Circuit, with every examination, exhibit, or material paper, of whatever denomination, taken by, or delivered to that court, and the Persian translations thereof to be annexed to the original record in conformity to Clause second, Section XIV., Regulation III. 1800. The whole of the proceedings

In what manner such record is to be authenticated, and what it is to contain.

proceedings and papers received from the Magistrate upon the case referred are also to be annexed to, and transmitted with, the proceedings of the Court of Circuit: but any variations between the depositions of the witnesses before the Magistrates and Court of Circuit are to be carefully noticed on the proceedings of the latter, as directed in Clause seventh, Section XIV. of that Regulation; and any confessions of the prisoners before the Magistrate, any inquest taken in cases of homicide, or any other evidence appearing on the proceedings of the Magistrates, are to be entered with the necessary proofs on the proceedings of the Court of Circuit.

Proceedings and papers received from the Magistrates to be also transmitted.

But variations in the depositions of witnesses, confessions of prisoners before the Magistrates, inquests, and other evidence on the proceedings of the Magistrates, to be entered, with proofs, on the proceedings of the Court of Circuit.

XXIV. The Translator to the Superior Tribunal, on receipt of the trials transmitted to that court under this Section, shall, as soon as possible, make, or cause to be made by his assistants, a true and faithful translation into the English language of the whole of the proceedings held before the Court of Circuit, with any confessions of the prisoners before the Magistrate, and such other parts of the Magistrate's proceedings as may have been entered upon the proceedings of the Court of Circuit. If the Translator of the Superior Tribunal and his official assistants be unable, on any particular occasion, from the pressure of other business, to make an early translation of the proceedings and papers so received, he may, with the court's sanction, cause the same to be translated by any other competent person, at the rates established by Section XXXIII., Regulation VI. 1812, and the person making such translations, who is to subscribe his signature thereto, shall be held responsible for their accuracy. But no translation is to be made by any other person than the Persian translator to the Superior Tribunal and his official assistants, without the sanction of the court.

The Translator to the superior tribunal to make, or cause to be made, English translations of the proceedings of the Court of Circuit, transmitted under this section, as soon as possible after the receipt thereof.

And, if unable with his assistants to make an early translation, may, with the sanction of the court, cause the same to be made by any competent person, at the rates established by Section XXXIII., Regulation VI. 1812.

A. D. 1812. REGULATION IX.

A Regulation *for the Superior Tribunal, or the Chief Criminal Court of the Governor in Council for the Trial of Criminal Cases in the last Report:* Passed *by the Governor in Council on the* 16*th of December* 1812 *(corresponding with the* 13*th Margseer Sood, Sumbut or Vekramajit Era,* 1869*; Salbahan,* 1734*; and* 11*th Zilhuz,* 1227 *Hejry).*

I. The functions of the Superior Tribunal of the Governor in Council have heretofore been discharged under the rules contained in Section LII., and the following sections of Regulation V. 1799, as extended to Surat and its dependencies by the same sections of Regulation III. 1800, and subsequently to the territories acquired within certain parts of the Soubah or province of Guzerat, by Section IV., Regulation II. 1805; it being, however, essential for the better regulation of whatever relates to criminal cases and the police of the country that distinct and more specific provisions should be made for the duties of that court, the following rules have been enacted accordingly.

II. The Superior Tribunal or chief criminal court shall be held at Bombay.

Superior Tribunal to be held at Bombay.

Governor and Members of the Council to sit as Judges, assisted by the native law officers.

III. The court shall consist of the Governor and the Members of the Council, assisted by the native law officers of the Sudder Adawlut.

Court to meet once every week, or as often as may be necessary.

IV. The court shall meet once in every week, or as often as the state of the business may require, and a regular diary shall be kept of their proceedings.

Register to be appointed to the Superior Tribunal.

V. The Register to the Sudder Adawlut shall act as the Register to the Superior Tribunal.

Oath to be taken by the Register.

VI. The Register, previous to entering upon the execution of the duties of his office, shall take and subscribe before the Superior Tribunal an oath, similar to that prescribed for the Register to the Court of Circuit.

Oath to be taken by the native law officers.

VII. The native law officers, previous to entering upon the duties of their offices, and on the 1st of January and 1st of July in each year, shall take and subscribe oaths similar to those prescribed for the law officers of the Court of Circuit.

Court to have cognizance of all matters relating to the administration of criminal justice and the police.

VIII. The court is empowered and directed to take cognizance of all matters relating to the administration of justice in criminal cases and the police of the country, and to submit to the Governor in Council such Regulations regarding them as it may deem advisable.

Sentence of the court to be conformable to the rules.

IX. The sentence of the court shall be regulated by the rules prescribed in Regulations III. 1800 and 1802, and by such further Regulations as may be passed by the Governor in Council.

Law officers to assemble at the office of the Register as often as may be necessary.

Register to lay before them the expositions of the law officers of the Court of Circuit.

Law officers to give their opinion in writing.

X. The native law officers of the court shall assemble at the office of the Register as often as may be necessary; and the Register shall lay before them the question propounded by the Judge of Circuit and referred for the opinion of the native law officer, with the exposition of the law thereon. After duly considering the same, and previous to leaving the office of the Register, they shall state, in writing, whether the futwah or vevusta of the law officer is conformable to the laws of the religion of the defendants or accused parties: if it be not, they shall state what futwah ought, in their opinion, to have been delivered, and subscribe their names and affix their seals to their respective opinions.

Register to submit the proceedings on such trials to the Superior Tribunal, which court is to pass the final sentence.

The Register shall submit the proceedings in the cases so revised by the Cauzy, the Mufty, or the Pundit, to the Superior Tribunal at their next meeting, when the court, after perusing the proceedings of the Court of Circuit, the futwah of the law officers of that court, and the futwah of those of the Superior Tribunal, shall pass the final sentence.

Register to transmit the copy of the final sentence to the Court of Circuit.

XI. The Register, within three days after passing of the final sentence, or sooner if practicable, shall transmit a copy of it, under the seal of the Superior Tribunal and attested with his official signature, to the Judge of the Court of Circuit, who is immediately to issue a warrant to the proper Magistrate to cause the sentence to be carried into execution.

Magistrate to cause the sentence to be executed immediately upon the receipt of the warrant.

The Magistrate, upon the receipt of the warrant, shall cause the sentence to be executed without delay, and return the warrant to the Court of Circuit, with an endorsement, attested with his official seal and signature, certifying the manner in which the sentence has been executed. All warrants so returned are to remain with

with the Court of Circuit; excepting warrants for the infliction of capital punishment, which are to be forwarded by the Judges to the Superior Tribunal.

What returned warrants are to be sent to the Superior Tribunal.

XII. In cases of a heinous nature, such as murder, gang-robbery, arson, and the like, wherein the crime may be known to have been committed by several persons, the principal of whom may not have been apprehended or convicted, if, on the representation of the Zillah Magistrates, or Judges of the Court of Circuit, it shall appear to the Superior Tribunal that an offer of pardon to one or more of the supposed accessaries (on condition of their making a full disclosure of every circumstance within their knowledge, relative to the commission of the crime and the several persons concerned in it) may lead to the apprehension or conviction of the principal offender or offenders, the court is to submit the case to the Governor in Council, who, if he approve the same, will authorize such offer of pardon; and, on the condition of its being fulfilled, the Superior Tribunal is to confirm it by a written certificate or testimonial, under the signature of its Register and the seal of the court, to be delivered to the party or parties for his or their security, as far as regards the act or acts therein referred to.

The Superior Tribunal may recommend a pardon to accessaries in crimes of a heinous nature for the apprehension or conviction of the principal offenders.

In what manner such pardon is to be granted.

XIII. The Judges of the Court of Circuit, and the several Zillah Magistrates, are to report to the Superior Tribunal whenever it may appear to them expedient to tender an offer of pardon, for the purpose stated in the foregoing section; communicating, at the same time, all the information they may possess respecting the circumstances of the case, as well as the measures taken to apprehend or convict the offenders, for whose apprehension or conviction the proposed pardon may be recommended.

Judges of the Court of Circuit and Zillah Magistrates to report cases in which a pardon for the above purposes should be offered.

XIV. *First.* So much of Section LV., Regulation V. 1799, and Regulation III. 1800, as authorized the transportation to some place beyond sea of convicts sentenced to confinement for a term of seven years, or for any limited term of years, and directs a reference from the Court of Circuit to the Superior Tribunal, in all instances wherein they shall consider offenders convicted before them to be proper objects of transportation, is hereby rescinded.

Parts of Section LV., Regulations V. 1799, and III. 1800, rescinded.

Second. Transportation beyond sea shall be hereafter restricted to convicts who may be sentenced to confinement for life; and in all instances wherein a sentence of confinement for life may be passed against a prisoner, whether by the Court of Circuit in the first instance, or finally by the Superior Tribunal, the court passing such sentence, if it deem the prisoner a proper object of transportation beyond sea, shall at the same time, adjudge him or her to be transported for life.

Transportation beyond sea restricted to convicts sentenced to confinement for life, and to be adjudged against such convicts if deemed proper objects of transportation by the court passing sentence upon them.

Third. In the cases of convicts sentenced to confinement for life, whom the Court of Circuit and Superior Tribunal may not consider proper objects of transportation beyond sea under the preceding clause, as well as in all cases of convicts sentenced to imprisonment for a limited period, the court by whom the sentence is passed, if it deem the same proper, on consideration of the prisoner's offence, may adjudge him to be banished during the period of his sentence from the district in which his place of abode is situated, and to be kept to hard labour on the public roads or other public works, in any other district to which he may be removed by order of the Superior Tribunal.

Convicts sentenced to confinement for life, but not considered proper objects of transportation beyond sea, as well as all convicts sentenced to imprisonment for a limited period, may be adjudged by the court passing sentence upon them to be banished during their sentences from the district in which their place of abode is situated, and kept to hard labour in any other district, as directed by the Superior Tribunal.

Fourth.

Reports to be made by the Zillah Magistrates to the Superior Tribunal of convicts sentenced to transportation or to banishment under the two preceding clauses.

Fourth. The Magistrates of the several zillahs, at the close of the quarterly jail delivery of their respective districts, or at any other period when the same may be required by the Superior Tribunal, shall transmit to that court a list of the convicts in their respective jails who may have been sentenced to transportation beyond sea, or to banishment from the district in which the offenders may have resided, under each of the two preceding clauses, specifying in such lists the names, ages, crimes, and sentences of the several convicts, and in the list of those sentenced to banishment, the district in which they may have usually resided before they were brought to trial.

Further declared competent, as heretofore, to order the removal of convicts under sentence of imprisonment to any jail or district within the Company's possessions.

Fifth. The Superior Tribunal is declared competent to order the removal of all convicts under sentence of imprisonment to any jail or district within the Company's possessions, in which it may be thought proper to keep or employ them during the period of their respective sentences, although no specific sentence of banishment may have been passed against them under clause third of this section. But no such removal shall take place without the special order of the Superior Tribunal.

Section IV., Regulation III. A.D. 1802, rescinded. Convicts escaped from jail, or otherwise, during their sentences and reapprehended, to be brought to trial before the Court of Circuit for such escape, and for any acts of violence attending the same or done in attempt to escape.

How punishable on conviction.

XV. *First.* Section IV., Regulation III. 1802, is hereby rescinded. Convicts sentenced to imprisonment by the Court of Circuit or by the Superior Tribunal, who during the period of their sentences may escape from jail or other place of confinement, or from the roads, or any other place where they may be employed, and who may be re-apprehended, shall be brought to trial before the Court of Circuit for such escape, as well as for any acts of violence or aggravating circumstances attending their escape, or for any violent acts done in an attempt to escape; and on conviction they shall be liable to such further punishment, in addition to their former sentences, as may be adjudged against them, on consideration of the circumstances of the case, under the provisions contained in this Regulation.

Convicts under sentence of transportation for life, who may be transported after the promulgation of this Regulation, and shall escape and return without permission to any part of the Company's territory under the presidency of Bombay, declared liable on conviction to suffer death.

Second. Any convicts under sentence of transportation for life, who may be transported to any place beyond sea after the promulgation of this Regulation, and shall escape from such place of transportation and return, without permission, to any part of the Company's territory under the presidency of Bombay, shall (notice of this penalty being duly made to the convict at the time of passing sentence on him) on conviction thereof to the satisfaction of the Superior Tribunal, and if no circumstances appear to that court to render such convict an object of mercy, be adjudged to suffer death.

The Superior Tribunal empowered and directed to commute to banishment and hard labour the sentence of any convict already ordered to be transported beyond sea, but not yet actually transported, if it appear proper, in consideration of the short periods of their sentences, or otherwise.

XVI. If any convicts already ordered to be transported beyond sea, under Sections LV., Regulation V. 1799, and Regulation III. 1800, or under Section IV., Regulation III. 1802, but not yet actually transported, shall appear to the Superior Tribunal, from the short period of their sentences or otherwise, to be more properly objects of banishment from the district in which they may have resided, in pursuance of Clause third, Section XIV. of this Regulation, than of transportation beyond sea, the Judges of that Court are empowered and directed to commute the sentence or order of transportation, in such instances, to banishment and labour for the same period, in conformity to the clause and section above-mentioned.

Provisions for the cases of prisoners required by the Court of

XVII. *First.* In the cases of suspicion or bad character, wherein the Court of Circuit may direct the Zillah Magistrates to detain prisoners in custody

tody until they give sufficient security for their future good behaviour and appearance when required, as well as in any similar cases wherein the like directions may be given by the Superior Tribunal, if any prisoner shall have remained in confinement for a year or any longer period, under inability to give the security required, and the execution of a moochulka (penal engagement) by the prisoner for his future good conduct without security, may, on consideration of the circumstances of the case and prisoner's behaviour during his confinement, appear to the Magistrate sufficient to provide for the object intended, he shall report the same to the Court of Circuit at the next ensuing jail delivery for the zillah in which such prisoner may be detained in custody.

Circuit to give security for their future good behaviour and appearance, and who may be unable to find such security, but from their behaviour whilst in confinement, and other circumstances, may appear to the Magistrate proper objects of release, without security, under a penal engagement for their future good conduct.

Report to be made by the Magistrate to the Court of Circuit in such cases.

Second. In all cases of such reports being made by the Zillah Magistrates to the Court of Circuit, the Judges of the latter are to call the prisoner before them, and to examine the proceedings held upon his trial, as far as may be necessary to ascertain the grounds on which the prisoner may have been required to find security; after which, and duly considering the circumstances stated in the Magistrate's report, if they shall concur with the latter in opinion that the prisoner ought to be released on his moochulka without security, they are to direct the same accordingly.

Court of Circuit how to proceed on receiving such report.

Third. In the exercise of this discretion the Magistrates and Court of Circuit will, of course, give due consideration to the nature of the crime of which the prisoner may have been convicted or suspected, his general character as far as ascertainable, and the consequent risk to be apprehended from his being released without security for his future good conduct.

Considerations to be attended to by the Magistrates and Court of Circuit in the exercise of the discretion vested in them by this section.

A. D. 1812. REGULATION X.

A REGULATION *for providing for Differences of Opinion between the Judges of the Provincial Court of Appeal and Court of Circuit, and prescribing Rules regarding other Matters connected with their official Situation:* PASSED *by the Governor in Council on the* 16*th December* 1812 *(corresponding with the* 13*th Margseer Sood, Sumbut or Vekramajit Era,* 1869; *Salbahan,* 1734; *and* 11*th Zilhuz,* 1227 *Hejry).*

I. THE following provisions are made for cases in which a difference of opinion may arise amongst the Judges of the Provincial Court of Appeal and Court of Circuit, and for other matters connected with their official duty.

II. In all cases in which a difference of opinion may arise amongst the Judges of the Provincial Court of Appeal or the Court of Circuit, the opinion of the majority shall determine. When there shall be only two Judges in court, the senior of the two Judges shall have a casting vote. Each Judge, however, shall have the liberty of recording the grounds of his opinion on the proceedings of the court.

Provisions respecting differences of opinion.

III. Two Judges shall be necessary to hold a Court of Appeal.

Two Judges to form a Court of Appeal.

Decrees not valid unless passed by two Judges in Court. Decrees to be signed by Judges present.

IV. No decree in a suit or appeal brought before the Provincial Court of Appeal shall be valid, unless passed by two Judges present in court. The decrees are to be signed by the Judges by whom they may be passed.

Meeting of the Court.

V. The Provincial Court of Appeal is to meet on three fixed days in each week, whilst they are at the Sudder station, or oftener if business shall require it. The extra meetings are to be summoned by the Register, upon receiving orders for that purpose from the first Judge, or the senior Judge on the spot, to whom it shall be left to determine when and how often such extra meetings shall be summoned. But the court shall not sit on Sunday on any occasion whatever.

Rules relating to the absence or indisposition of any of the Judges.

VI. The Judges of the Provincial Court of Appeal are not to absent themselves from their stations without the previous sanction of the Sudder Adawlut; nor shall any Judge omit to sit in court on court days, unless prevented by indisposition, or other unavoidable cause, which shall be entered on the proceedings of the court. If a Judge shall be under the necessity of absenting himself from court for three meetings successively, he shall notify the same to the Sudder Adawlut, with the circumstances that prevented his attendance.

Provisions for cases of differences of opinion between the senior Judge and either of the other Judges who may eventually be at the Sudder station.

VII. In the event of a difference of opinion between the senior Judge and either of the other Judges who may eventually be at the Sudder station, in causes where the decision of the Provincial Court is final, the senior Judge shall have the casting voice, and the decree shall be made in conformity to his sentiments, provided they go to affirm the decree of the inferior court. But where the senior Judge may declare, in opposition to the other Judge, that the decree of the inferior court should be reversed or altered, the suits onwhich such difference of opinion may exist shall stand over for judgment until the return of the absent Judge from the circuit, when they shall be decided by the majority of voices.

A.D. 1812. REGULATION XI.

A REGULATION *for the Guidance of the Courts of Justice, in Cases of a Difference of Opinion on the Meaning and Construction of the Regulations:* PASSED *by the Governor in Council on the* 16*th December* 1812, *(corresponding with the* 13*th Margseer Sood, Sumbut or Vekramajit Era,* 1869; *Salbahan,* 1734; *and* 11*th Zilhuz,* 1227 *Hejry).*

I. WHEREAS doubts may arise as to the duty of the Zillah Judges and Magistrates, in cases wherein they may construe the general rules prescribed by Government in a different sense from the construction given thereto by the Judges of the Provincial Court of Appeal and Court of Circuit, and it being of consequence to prevent delay in the administration of justice, that a clear rule of conduct should be established to provide for such cases, the Governor in Council has therefore enacted the following rules.

II. In

Zillah Judges and Magistrates may state objections to precepts of the Provincial Court or Court of Circuit, if considered contrary to or unwarranted by the Regulations, and suspend execution till receipt of a second precept.

II. In all instances wherein a precept issued by the Provincial Court of Appeal or Court of Circuit to a Zillah Judge or Magistrate shall appear to such Judge or Magistrate to be contrary to, or unwarranted by the existing Regulations, he is authorized to state to the Provincial Court of Appeal or Court of Circuit in what respect he considers their precept to be in deviation from the Regulations, and suspend execution till receipt of a second precept in reply to his objections. But if the second precept of the Provincial Court or Court of Circuit, in reply to the objections of the Zillah Judge or Magistrate, shall confirm their first precept, in whole or in part, and shall require the Zillah Judge or Magistrate to execute the same without further reference, he shall immediately comply with such requisition. In case, however, the second precept of the Provincial Court or Court of Circuit should not satisfy the Zillah Judge or Magistrate that the Regulations have been rightly construed by the Provincial Court or Court of Circuit, he is at liberty, at the same time that he certifies the execution of the order of the Provincial Court or Court of Circuit, to request that they will transmit copies of their precepts to him and his returns thereto, with such other papers as may be necessary for the information of the circumstances of the case, to the Court of Sudder Adawlut or the Superior Tribunal of the Governor in Council, according as the case in question may relate to the civil or criminal department; and the Provincial Court or Court of Circuit shall accordingly transmit such papers as requested, without any unnecessary delay. Provided nevertheless, that nothing in this Regulation be understood to authorize any Zillah Judge or Magistrate to question the propriety of any order issued by a Provincial Court or Court of Circuit, in cases clearly left to the discretion and judgment of the Provincial Court or Court of Circuit by the Regulations; the reference to them, and eventually to the Courts of Sudder Adawlet and Superior Tribunal, meant to be authorized by this Regulation, being confined to cases in which the sense of the Regulations, from a difference of construction or otherwise, may appear doubtful and uncertain.

But the Zillah Judge and Magistrate may request a reference of the case to the Sudder Adawlut or the Superior Tribunal.

Proviso.

Determination of the Superior Tribunal or the Sudder Adawlut to be conclusive.

III. In all instances wherein a reference to the Court of Sudder Adawlut or Superior Tribunal may be made under the preceding rule, the determination of those courts, who are empowered to prescribe the forms and conduct to be observed by the Provincial and Zillah Courts of Adawlut, the Courts of Circuit and the Zillah Magistrates, in all cases provided for by the Regulations, agreeably to their construction thereof, is to be held final and conclusive.

Sudder Adawlut and the Superior Tribunal to report to the Governor in Council any case in which they have doubts on the meaning of the Regulations.

IV. Should any doubt occur to the Sudder Adawlut or the Superior Tribunal with respect to the meaning of any part of the Regulations, or should it appear to them, on occasion of any reference from the Provincial or Zillah Courts, the Court of Circuit, or the Zillah Magistrates, that the Regulations do not sufficiently provide for the case submitted to their decision, they are, in the former case, to report the circumstances of it to the Governor in Council, that a new Regulation may be framed in explanation of such doubt, and in the latter case are to propose a new Regulation.

*** [The title "Rule, Ordinance and Regulation" was designed by the Government of Bombay to distinguish such Police Regulations as it might be found necessary to pass with reference to the authority and provisions stated in the following preamble.]

A. D. 1812. RULE, ORDINANCE, AND REGULATION I.

A RULE, *Ordinance and Regulation for the good Order and Civil Government of the Island of Bombay:* PASSED *in Council, on the 25th day of March* 1812, *and registered in the Court of the Recorder of Bombay on the 20th day of May* 1812.

Preamble.

WHEREAS, by a statute passed in the forty-seventh year of His present Majesty King George the Third, entitled "An Act for the better Govern-"ment of the Settlements of Fort St. George and Bombay," it is enacted, that it shall be lawful for the Governor in Council to make and issue Rules for the good order and civil government of this island, subject to the previous condition of being duly registered and published in the Court of the Recorder of Bombay, and to such other conditions as are imposed by the statutes of the thirteenth, thirty-ninth, and fortieth of His present Majesty, upon the exercise of a like power at Fort William in Bengal by the Governor General in Council; and whereas it is expedient that such rules and usages hitherto followed in this island, as experience has proved to be useful, together with such new rules as the same experience has proved to be needful, shall be promulgated in due form, and receive undisputed legal authority.

Be it therefore ordained, by the authority of the Honourable the Governor in Council, now assembled, and in virtue of the power by the said statute conferred, that from and after the due registry and publication of this Rule, Ordinance and Regulation in the Court of the Recorder of Bombay, the said Rule and Ordinance, consisting of the titles and articles herein-after stated, shall have the full force of law within this island, and shall be strictly obeyed as such by all his Majesty's subjects inhabiting the same.

TITLE FIRST.

Of Magistrates.

Two Police Magistrates appointed.

ARTICLE I. The Honourable the Governor in Council shall select two Justices of Peace, who shall be styled Magistrates of Police, and who shall perform the duties and exercise the authorities in the following articles specified.

The jurisdiction of the senior.

ARTICLE II. The senior Magistrate of Police shall ordinarily exercise his authority within the fort and for the harbour of Bombay; and for this purpose he shall attend at the office of Police in the Fort from ten in the forenoon to three in the afternoon of every day, and he shall always leave at the said office information where he is to be found at any hour of the day or night; and if he be incapacitated by sickness to act and attend, he shall be bound to procure another Justice of Peace to act in his stead.

ARTICLE

ARTICLE III. The second Magistrate shall ordinarily exercise his authority beyond the limits described in the preceding article over the rest of the island of Bombay; he shall attend for the same time, and when absent, leave the same information, as by the second article is required from the senior Magistrate, and at an Office of Police to be fixed at some convenient and centrical situation in his district, and he shall provide the same substitute in case of disability. The jurisdiction of the junior.

ARTICLE IV. Each of these Magistrates shall ordinarily within his own district, and occasionally elsewhere in the island, do all acts that a single Justice of the Peace may by the law of England do. To act as Justices of the Peace,

ARTICLE V. Each of them shall, in the same manner, apprehend, examine, and commit for trial, all persons charged before him with any breach or violation of any rule now legally passed, or hereafter to be legally passed by the Honourable the Governor in Council. And enforce the Regulations of Government.

TITLE SECOND.

Of the Petty Sessions.

ARTICLE I. On every Monday morning at ten o'clock a court shall be assembled at the Office of Police within the Fort, to be entitled the Court of Petty Sessions. Petty Sessions to be held weekly.

ARTICLE II. This court shall consist of three members, two of whom shall be the Magistrates of Police, and the third shall be the Justice of the Peace who, by the present course of practice, attends in rotation. Of whom to consist

ARTICLE III. The said court shall exercise the power of summary conviction granted by certain statutes to two Justices of the Peace, particularly in all common assaults and affrays, and in all defamatory and slanderous words. The power vested in them.

ARTICLE IV. Nothing in the third article shall be understood to prevent a prosecutor from bringing such cases before a Grand Jury if he pleases, or shall hinder the Magistrates themselves from directing the case to be brought before a Grand Jury, if the difficulty of the question or the solemnity of the example shall seem to them to render it fit. All cases referrible to the Grand Jury.

ARTICLE V. They shall also exercise a like jurisdiction over all acts done in violation of the rules now legally passed, or hereafter to be legally passed by the Honourable the Governor in Council. The Petty Sessions to enforce the Regulations of Government.

ARTICLE VI. The said court shall allow reasonable time for defence to all persons charged before them. They shall examine witnesses on both sides on oath; they shall record, in the shortest and plainest words, the substance of the charge and the evidence, their opinion of the guilt or innocence of the person accused, and the punishment which they think fit to inflict; and they shall all sign the record of each day's proceedings. Their proceedings how to be conducted.

ARTICLE VII. They shall inflict on persons convicted of the offences above described such fines or forfeiture, or reasonable corporeal punishments, as the offence shall seem to them to deserve, and as, by the above-recited Acts of Parliament, they are legally authorized to inflict. The punishments they may inflict.

Statements of convictions and punishments to be laid before what authorities.

ARTICLE VIII. They shall lay a summary of the convictions and punishments quarterly before the Quarter Sessions of the Peace, the Court of Oyer and Terminer, and the Honourable the Governor in Council.

May adjourn and summon meetings.

ARTICLE IX. The court shall have a power of adjourning; and two of the members may summon it on any other day of the week besides Monday, at twenty-four hours' notice, if such meeting shall appear to be necessary.

How to proceed in the absence of a Police Magistrate.

ARTICLE X. In the event of either of the Magistrates of Police being unable to attend the Petty Sessions, either from indisposition, from a press of business at his own office, or from any other cause, one of the other Justices of the Peace to be summoned to attend the Petty Sessions in his room.

To decide questions respecting casts.

ARTICLE XI. The Petty Sessions shall possess the power of deciding on all questions respecting the appointment of the officers of casts, according to the usage of the respective casts, and decide in all complaints of expulsion from casts: subject, nevertheless, to an appeal to the Governor in Council against such decisions, on the part of all those who may consider themselves aggrieved thereby; provided such appeal or appeals be made within the space of fourteen days after such decision or decisions shall have been actually made. They shall keep a register of the heads, Muccadums, Patells, Chouglas, Punchaits, and of the principal persons who, in each cast, expound the law or the religion: and they are hereby enjoined to respect, on the one hand, the usages of the native community, and on the other, to guard against the tyrannical abuse of power.

An appeal to Government open.

To keep a register of the heads of casts.

TITLE THIRD.

Of Constables.

His Majesty's Justices to appoint an European High Constable,

ARTICLE I. The Justices at their Quarter Sessions shall appoint some respectable European to be High Constable, who shall in all cases of importance be ready to execute the orders and warrants of the Magistrates.

and Constables.

ARTICLE II. They shall also swear in a sufficient number of Europeans to be Constables, for the preservation of quiet and the execution of the law.

TITLE FOURTH.

Of Offences against the public Communication.

Buildings encroaching on roads, &c. to be abated.

ARTICLE I. All buildings which encroach on the high roads or streets, or upon the space on the Esplanade declared to be necessary for the safety of the Fort, may be abated by an order of the Magistrates in Petty Sessions, after the parties interested have been summoned, and if they attend, fully heard.

Wells to be surrounded with walls.

ARTICLE II. All diggers and owners of wells are required to surround them with a wall of chunam three feet high; and in default of owners, the Magistrates are authorized to cause such walls to be built at the public expense.

All pits to be covered during night.

ARTICLE III. No owners or occupiers of land are to suffer pits to remain uncovered during the night. The Magistrates may, in default of the owners or occupiers, cause the pits to be covered, or if need be, to be filled up, at the expense of the owners or occupiers.

ARTICLE

ARTICLE IV. All drivers of carriages and horsemen are to drive and ride moderately along the high road, taking the left side, and leaving a sufficient space for others to pass them. All hackerays are to continue to be registered and numbered, and no person is to train horses on the more frequented parts of the high-way, till they be so far tamed as to give no alarm. Rules to be observed in driving carriages, &c.

ARTICLE V. No person shall commit nuisances on the high road or streets, or leave carts or carriages on the street or road, with or without horses or bullocks. Nuisances and obstructions on the roads prohibited.

ARTICLE VI. The Court of Petty Sessions may, in all the above cases under this title, inflict such legal punishments as the danger, audacity, or repetition of the offences may require. How punishable.

TITLE FIFTH.

Of Trades immediately dangerous to the public Safety.

ARTICLE I. No person shall make oil or distil spirits, or mix and prepare copperas and red-lead, or manufacture gunpowder, within the fort or in the Black Town. Trades prohibited in the Fort and Black Town.

The Justices may remove all such trades at the expense of the owners; and the Petty Sessions may prescribe limits within which they are to be carried on, subject to the approval of the Governor in Council. To be removed by the Petty Sessions.

TITLE SIXTH.

Of Trades which may be made instrumental to the Commission of Crimes.

ARTICLE I. The Petty Sessions shall cause exact lists to be taken and kept of all houses licensed to sell spirits, of all houses where bang or opium is usually taken, of all houses of public gambling, of all shops and warehouses where goods are received in pawn, and of all goldsmiths and sellers or buyers of gold and silver. They shall cause a small fee to be taken for each house or name registered, which shall be sufficient to defray the expense of the register of these dangerous houses, trades, or modes of life. Trades which must be registered. A fee to be levied for the registers.

ARTICLE II. All persons pursuing the above occupations who shall not register themselves as above, shall be punishable, according to the circumstances of the case, by the Court of Petty Sessions. Neglect punishable.

ARTICLE III. All keepers of taverns, spirit-houses, opium or bang-houses, or gambling-houses, shall be punishable, in like manner, for all affrays, assaults, or other violences committed in their houses. Punishable for affrays in their houses.

ARTICLE IV. All purchasers of military uniforms, without a written permission previously obtained by the purchasers themselves from commanding officers or adjutants of corps to whom the owners of such uniforms may or might have belonged, or from the Town Major, all sellers of the same to foreigners without license from Government, and all purchasers of goods and lenders of money upon them, at unseasonable hours or from unknown persons, may be punished by the Petty Sessions according to the circumstances of their cases. Practices forbidden.

TITLE SEVENTH.

Of dangerous Weapons.

ARTICLE I. No person shall be suffered to enter this island, or to be in it, armed with guns, pistols, swords, daggers, creases, knives, or other weapons Dangerous weapons not allowed to be worn.

weapons by which mortal wounds are usually inflicted, except those who may be in His Majesty's or the Honourable Company's naval, military, or marine service, or British subjects in general, and except also officers holding commissions in the service of any state in amity or alliance with the British nation.

Seizable.

ARTICLE II. All such weapons shall be seized and forfeited, and such farther legal punishment inflicted on the bearers of them as the Court of Petty Sessions shall deem just.

The prohibition to be generally promulgated.

ARTICLE III. Effectual means shall be used to make this title known to all commanders of ships and vessels who enter this harbour, and they shall be punishable for suffering any of their crew to land with such weapons.

Inn-keepers, &c. may be punished for admitting armed persons into their houses.

ARTICLE IV. All masters and keepers of taverns, spirit-houses, bang or opium shops, or gaming-houses, who suffer any persons with such weapons as aforesaid to enter their houses, shall be punishable for so doing by the Petty Sessions.

TITLE EIGHTH.

Of vending poisonous Substances.

A list of poisons to be framed.

ARTICLE I. The Medical Board shall be instructed by Government to draw up a list of substances immediately destructive of human life, which may be properly called poisons, and the list shall be entered on the records of the Petty Sessions.

Not to be sold without license, and an account of all sales to be kept.

ARTICLE II. No person shall sell any of the substances contained in the list without a license from the Petty Sessions, for which a fee shall be paid: and no licensed person shall sell them, except to persons whom they well know, and for purposes perfectly explained to them; and they shall make full entries of such sales in a book which they shall preserve, and when lawfully called upon produce, and all offences against this article are punishable by the Petty Sessions.

TITLE NINTH.

Of Coining.

Coining how to be punished.

ARTICLE I. All persons who, without authority from Government, shall make, or attempt to make, any coin current in this island, or without such authority shall have in their possession instruments for making such coin, or who shall utter such coin knowing it to be made here otherwise than in the Mint, and by the authority of Government, or who shall debase or attempt to debase such coin, or utter it knowing it to be debased, shall be punishable by the Court of Petty Sessions, and may, on this Regulation, which becomes part of the statute of the 47th of George III., be prosecuted for a misdemeanour in the Recorder's Court.

TITLE TENTH.

Of Religious Rites and Processions.

Insult to religious rites prohibited.

ARTICLE I. All insult to or disturbance of any religious rite or ceremony shall be punishable by the Petty Sessions.

Dangerous processions to be under restrictions.

ARTICLE II. The Petty Sessions shall have power to regulate all religious processions that may be dangerous to the public peace, such as the processions of the Mahometans at the holidays called the Mohurrum, and to prescribe

scribe the hours, limits, and circumstances of such processions, by cautious and prudent regulations, of which they may punish the violation.

ARTICLE III. They shall also have power to restrain or prohibit all noisy processions on occasion of marriage and like occasions during the night, which disturb the repose of the inhabitants. Not permitted at night.

ARTICLE IV. They shall inflict proper punishment on all impostors who pretend to magical or other preternatural powers. Impostors punishable.

TITLE ELEVENTH.

Of a general Register.

ARTICLE I. The Magistrates shall, with all convenient dispatch, cause a register to be prepared of the population of the island, with the cast, trade, sex, dwelling, and, as far as possible, age and name of each inhabitant. The Petty Sessions to frame a register of the population;

ARTICLE II. They shall also make such effectual regulations as their experience may suggest, for regular and certain returns of births, marriages, and deaths. and of births, marriages and deaths.

And, for both these purposes, all such natives as they may think proper to employ are required to obey them, under such penalties as the Magistrates may think fit to inflict. All persons required to assist them.

ARTICLE III. They shall lay a summary of the register of population, and of the tables of births, marriages, and deaths, annually, before the Honourable the Governor in Council, on the 1st of January. To lay it before Government.

TITLE TWELFTH.

Of the Slave Trade and Slavery.

ARTICLE I. All importation of slaves into this island for sale is prohibited. The slave trade prohibited.

ARTICLE II. The Petty Sessions shall, in such cases, emancipate the slave, and send him or her back to their family, or to the place from which he or she was brought, at the expense of the importer. Where the slave is desirous of remaining, the importer shall pay him the money which would otherwise have been employed in defraying the expense of his return. The Petty Sessions may inflict farther punishments in aggravated cases. How the Petty Sessions are to act in regard to slaves;

ARTICLE III. All children born of parents in a state of slavery in this island after the first day of January 1812 shall be free. But if the masters of their parents, or any other persons, support them from birth till they be capable of working, they shall be compelled to work without wages for such masters or others, for such number of years as the Petty Sessions shall determine to be a compensation for their support during childhood. and the children of slaves.

TITLE THIRTEENTH.

General Rules.

ARTICLE I. The Petty Sessions may cause any part of a fine which they think fit to be paid to an informer; and they may, by order under their hands, to be approved by the Honourable the Governor in Council, apply any part of the produce of fines to necessary expenses of police, particularly to be specified in the orders. How to reward informers.

The Regulations to be published and distributed.

ARTICLE II. These rules shall be printed, published, and translated into the native languages, and constantly distributed as much as possible.

Rules to be framed and laid before Government respecting servants, and markets.

ARTICLE III. The two Magistrates of Police shall digest the existing regulations respecting hamauls, servants, and markets, and, if need be, amend and enlarge them. When the regulations are approved by the Honourable the Governor in Council, the Magistrates may enforce their observance as if they had been inserted in this ordinance.

A report of the state of crimes to be made annually to Government.

ARTICLE IV. The Court of Petty Sessions shall, on the 1st of January of every year, make a report to Government of the state of crimes and police of the island, of the offences which have increased or diminished, of the cast and sorts of men who may have become more dangerous, and of such regulations as may appear to be wanting for the good government of the community.

A.D. 1812. RULE, ORDINANCE, AND REGULATION II.

A RULE, *Ordinance, and Regulation for vesting a Control in the Sale of Arrack or other Spirituous Liquors beyond the Limits of the Town of Bombay and on the Island generally, in His Majesty's Justices of the Peace:* PASSED *in Council on the* 14*th day of October* 1812, *and registered in the Court of the Recorder of Bombay on the* 10*th day of December* 1812.

Preamble.

WHEREAS by the Act of the 33d George III. a control on the sale of arrack or other spirituous liquors is vested in his Majesty's Justices of the Peace as far as respects the town or factory of Bombay; and whereas, in order to prevent, as much as possible, the immoderate use of country arrack and other spirituous liquors, all of which are highly prejudicial to the health and morals of the public, and to the peace and good order of society, it is deemed expedient to extend that authority, and to subject the sale of arrack or spirituous liquor in every part of the island of Bombay to the control of His Majesty's Justices of the Peace: be it therefore ordained, by the authority of the Right Honourable the Governor in Council now assembled, that from and after the due registry and publication of this Rule, Ordinance, and Regulation in the Honourable Court of the Recorder of Bombay, consisting of the articles herein-after specified, the said Rule, Ordinance, and Regulation shall have the full force of law within this island.

The sale of spirits in any part of the island without the license from the Magistrates, prohibited.

ARTICLE I. All persons are prohibited, as well from selling country arrack as from selling any description or quantity of foreign spirits in any part of the island of Bombay, without being first duly authorized so to do by license, under the hands and seals of the majority of Magistrates in Quarter Sessions assembled, or under the hands and seals of two of the Magistrates of Bombay in Petty Sessions assembled; and which said licenses for the sale of country arrack and foreign liquors over every part of the said island the said Magistrates are hereby empowered to grant: it being understood, however, that every such license so given by the said two Magistrates in Petty Sessions may be, in cases where it may be deemed expedient, quashed, at any time during

during the proposed continuance of the same by the majority of the Magistrates in Quarter Sessions assembled.

ARTICLE II. All licenses for the vend either of country arrack or of foreign spirits shall be, as near as circumstances will permit, in the following form: Form of license.

"Whereas A. B. has applied to us for a license to sell .....
"....., now be it known, that we have consented to grant
"him the same, on condition that he duly and faithfully perform and abide
"by the conditions hereunder written.

"That the places at which A. B. is authorized to keep shops for the
"retail of spirits are as follows:

[Here enter list of places, with the number of shops].

"That A. B. is not to open a shop for the retail of spirits at any other
"than the places above stated.

"That in the sale of arrack A. B. shall not use nor permit to be used,
"under any pretence whatever, any ingredient pernicious to health, such
"as chunam or other substance intended to increase the power of the spirit,
"or to add to its intoxicating quality.

"That he prevent all drunkenness, gaming, and disorder, within his
"shops, and that he be careful not to sell a quantity of liquor to any person
"sufficient to cause intoxication.

"That he will not allow any quantity of liquor exceeding one seer or
"quart to be removed from his shop, under any pretence whatever.

"That he will not harbour robbers, thieves, or riotous persons; but, on
"the contrary, give information to the nearest Magistrates or Police Officer
"of any suspected persons who may resort to his shop.

"That he will not receive any grain, goods, wearing apparel, or property,
"in barter for liquor, and that on the offer of any such he shall give infor-
"mation to the nearest Police Officer.

"That he will not open any shop before sunrise, nor keep it open after
"eight P. M., and that he will not harbour any persons in it during the night.

"Upon any breach of the above conditions this license shall be held to
"be forfeited, and a fine not exceeding two hundred and fifty rupees shall
"be imposed at the discretion of the Magistrates, and levied upon the
"person taking out such license.

"Given under our hands and seals, this ..... day of ....."

ARTICLE III. Persons receiving licenses according to the preceding section shall execute counterpart engagements. Persons receiving licenses are to execute counterpart engagements.

ARTICLE IV. Shops shall not be established within the limits of any military cantonment, nor shall country manufactured arrack or fermented liquor be sold to any European soldier or sailor, either directly or indirectly. The violation of this provision shall subject the offender to a fine, at the discretion of the Magistrates in Petty Sessions assembled, not exceeding one hundred rupees and the forfeiture of his license, on conviction before the said Magistrates in Petty Sessions. The establishing of shops within the military cantonments, and the sale of arrack to soldiers and sailors, prohibited. Penalty if violated.

ARTICLE V. Any person who may be detected selling spirituous liquors after the expiration of the period for which his license may have been granted, without having obtained a new license for that purpose, shall for such unlicensed sale be subject to the prescribed penalties, in like manner as if he had not taken out any license whatever. The same penalties will also Penalties to be imposed on persons selling liquors after the expiration of licenses.

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be incurred, besides a forfeiture of the license, by the sale of spirituous liquor within the term of a license, at any other place or in any other shop than the places and shops to which the vender is restricted by such license.

Fine to be levied on persons selling spirits without license.

ARTICLE VI. *First.* Any person who may be convicted before the Magistrates of selling spirituous liquors without having previously obtained a license, or of vending spirits at places not specified in his license, shall be fined in a sum not exceeding one hundred rupees.

Further proceedings if the parties be unable to pay the fine.

Second. Any person or persons convicted before the Magistrates in Petty Sessions of the offences specified in the preceding clause, and not discharging the penalty imposed on him or them, the amount of such fine shall be levied by issuing process against his property, by warrants under the hands and seals of two or more of the said Magistrates in Petty Sessions. If property belonging to such offenders, sufficient to make good the penalty, be not found, such offender or offenders shall be committed to jail and kept to hard labour, at the discretion of the said Magistrates.

Penalties on persons selling spirits in which any noxious ingredients shall have been mixed.

Third. Any person who may be convicted of selling spirits in which any noxious ingredients shall have been mixed, shall be liable to be committed by any Magistrate to jail, to be tried before the Court of Petty Sessions, and on proof duly established of his guilt, the said prisoner shall be fined, flogged, imprisoned, and kept to hard labour, at the discretion of the Magistrates.

The parties to be apprehended and taken before the Petty Session.

ARTICLE VII. To expedite the apprehension and punishment of persons guilty of the offences specified in the preceding section, any Magistrate, upon receiving information against unlicensed venders or against persons selling liquor with noxious ingredients, shall by a warrant direct the proper officer to apprehend and carry him before the Magistrates in Petty Sessions, on the usual day or days of assembling.

Misconduct or deviation of these rules by the licensed venders or their people to be reported to the Magistrates.

ARTICLE VIII. Police Officers shall report to the Magistrates any misconduct of the licensed dealers or venders of spirits, and of people employed by them in deviation from the above-stated regulation, or in breach of the conditions of their license, that the said dealers' or venders' people employed by them may be proceeded against as the Regulations direct.

A.D. 1812. RULE, ORDINANCE, AND REGULATION III.

A RULE, *Ordinance, and Regulation to restrain the Construction of all Buildings within the Town Walls likely to endanger the Defence of the Garrison, to remove and prevent Encroachments that may exist or be attempted to be made in the Streets and high Roads, both within and without the Town Walls, and generally throughout the Island of Bombay, and to prevent the Introduction of Articles of a combustible Nature within the Garrison:* PASSED *by the Right Honourable the Governor in Council on the 4th of November* 1812, *and registered in the Honourable the Court of Recorder on the 26th day of December following.*

Preamble.

WHEREAS, by a statute passed in the forty-seventh year of His present Majesty King George the Third, entitled "An Act for the better Govern-

"ment

" ment of the Settlements of Fort Saint George and Bombay, for the " Regulation of public Banks, and for amending so much of an Act passed " in the thirty-third year of His present Majesty as relates to the Periods " at which the Civil Servants of the East-India Company may be employed " in their Service abroad," it is enacted, that it shall be lawful for the Governor in Council to make and issue rules for the good order and civil government of this island, subject to the previous condition of being duly registered and published in the Court of the Recorder of Bombay, and to such other conditions as are imposed by the statutes of the thirteenth, thirty-ninth, and fortieth of His present Majesty, upon the exercise of a like power at Fort William in Bengal by the Governor General in Council; and whereas, from the various encroachments which at sundry times have been made, as well upon the roads throughout the island of Bombay, as on the streets, lanes, and passages within the walls of the town and garrison, many of the said roads, streets, and passages have become narrow and incommodious for carriages and passengers, and prejudicial to the trade and health of the inhabitants, and are necessary to be enlarged, as well for the convenience of the said town and island as the security of the said fort and garrison; and whereas, by reason of a most dreadful fire happening within the said town in the year of our Lord 1803, a great part thereof was burnt down and destroyed within the compass of a few days, and lies buried in its own ruins; for the speedy restoration thereof, and for the better regulation, uniformity, and gracefulness of such new buildings as shall be erected for habitations therein, and to the end that great and outrageous fires (through the blessing of Almighty God), so far forth as human providence can foresee, may be prevented for the time to come, for the better security of the said town, fort, and garrison, and for the general benefit, comfort, and convenience of all the inhabitants of the said town and island of Bombay.

Be it therefore ordained, by the authority of the Right Honourable the Governor in Council now assembled, and in virtue of the power by the said statute conferred, that from and after the due registry and publication of this Rule, Ordinance, and Regulation in the Court of the Recorder of Bombay, the said Rule and Ordinance, consisting of the articles herein-after stated, shall have the full force of law within this island, and shall be strictly obeyed as such by all His Majesty's subjects inhabiting the same.

The required breadth of the streets within the fort.

ARTICLE I. The main street through the bazar shall be enlarged to the breadth of forty feet from house to house; Moody's-street shall be enlarged to the breadth of thirty-five feet; Bora's-street shall be enlarged to the breadth of twenty-five feet; and all cross streets within the fort shall be of the breadth of sixteen feet.

The required breadth of the streets near the fortification.

ARTICLE II. And it is hereby further ordained by the authority aforesaid, that all those streets near the fortification where the fire of 1803 extended, from one hundred and fifty-five feet south of the entrance to the Cumberland Ravelin to one hundred and forty feet north of the same, and from the Buzar-gate to one hundred feet east of the same, and from sixty feet south of the entrance to the new Lunette to the commencement of the Cremelier work, be enlarged to the breadth of sixty feet each; and that all those other streets running parallel with the works where the said fire did not extend shall be enlarged to the breadth of forty feet each.

The required breadth of the roads throughout the island, as well of all streets, &c. without the walls of the fort.

ARTICLE III. And it is hereby further ordained by the authority aforesaid, that the great roads through the island of Bombay, commonly called the Parell Road and the Breach Candy Road respectively, shall be enlarged to the breadth of sixty feet each, and that the road or streets commonly called Shaik Memon and Dungaree shall be in like manner enlarged to the breadth of forty feet each, and that all other principal streets without the walls of the fort and within the island of Bombay be made of the breadth of thirty feet; that all roads branching from either of the greater roads aforesaid be made of the breadth of forty feet, and all lanes, cross streets, and passages, now or hereafter to be made without the said walls, be of the breadth of twenty feet clear from house to house, and not less.

The prescribed mode of carrying the above regulation gradually and conveniently into effect.

ARTICLE IV. And for the purpose of carrying the said regulation into effect gradually, and with the least possible inconvenience to the inhabitants of houses yet standing and not immediately requiring to be rebuilt, but which shall or may be hereafter taken down for the purpose of being rebuilt, it is hereby further ordained by the authority aforesaid, that all walls or foundations contiguous and adjoining to any of the principal streets within the fort walls taken down and removed, are to be rebuilt four feet at the least backward, and receding from the former or antient scite and position until such streets shall have attained the prescribed breadth.

Ditto.

ARTICLE V. All walls and foundations contiguous and adjoining to any of the cross streets and lanes within the fort walls taken down and removed, are, until such streets and lanes shall have attained the prescribed dimensions, to be rebuilt at least two feet backward, and receding from the former or ancient scite and position, as often as they shall be found within the breadth above described.

Ditto.

ARTICLE VI. All walls or foundations of every kind and description contiguous and adjoining to the Parell and Breach Candy Roads taken down or removed, where the said roads shall not have attained the breadth above described, are to be rebuilt six feet at least backward, and receding from the former or antient scite and position.

Ditto.

ARTICLE VII. All walls or foundations contiguous and adjoining to any of the streets, cross roads, and lanes without the fort walls taken down or removed, are to be rebuilt four feet backward, or receding from the former or antient scite and position, until they shall have attained the prescribed breadth of twenty feet.

The prescribed limit to the height of the houses within the fort.

ARTICLE VIII. The height of all houses, or other buildings within the town walls, except under special permission from the Government, is not to exceed forty-eight feet; thirty-six feet to the eaves, and twelve feet for the ridge pole.

No window or door-frames, unless covered with plank, to be used, and their lowest heights prescribed.

ARTICLE IX. No frames over windows and doors are to be used within the walls of the garrison unless covered with plank, and no such projections, the height of which shall not at the least be twelve feet from the ground, shall be allowed.

ARTICLE X. All persons desirous of building, repairing, or altering any house or tenement, or the boundaries of any ground within the island of Bombay,

Bombay, are to prefer their applications to the Court of Petty Sessions, who will thereon direct the Engineer acting under their orders for the time being to measure the actual dimensions of the premises, in the presence of the person claiming an interest therein, or of some person acting on his or her behalf, for the purpose of ascertaining how far such extent of ground corresponds with the measurement exhibited in the Collector's books, and in all cases of difference, the rents and revenues shall be, in future, collected according to the actual dimension of the premises. It is also to be the duty of the Engineer officer thus employed to state how far the plan or principles of the intended building, repairs, or alteration are unobjectionable or otherwise. In the former case, the Collector is, after receiving from the party intending to build or repair a written agreement, binding himself to regulate his future payment by the ascertained measurement of the premises, to subjoin to the remarks of the Engineer acting under the Court of Petty Sessions, "Permission may be granted," which permission it will then rest with the said Court to confirm, but no repair or reconstructions are to be allowed by that authority, nor any leave granted, until the forms above described shall have been observed: it being also provided that the Engineer acting under the orders of the Petty Sessions shall, in all instances of application to repair and build within the walls of the fort, communicate with the chief Engineer, and no erections or alterations shall be sanctioned within those limits which may be deemed objectionable by the latter officer.

The course to be pursued by persons desirous of building or repairing, and the proceedings to be adopted before permission is granted.

ARTICLE XI. It is accordingly required of all persons not to take down or remove any wall or foundation contiguous or adjoining to any of the main roads or streets, throughout the town and island of Bombay, for the purpose of rebuilding the same, or for any other purpose whatsoever, except in strict conformity to the preceding clauses.

Persons taking down walls, &c. contiguous to the public streets to conform to the preceding regulation.

ARTICLE XII. And it is hereby further ordained, that the following fees be exacted by the Court of Petty Sessions on account of the county fund, on all applications for permission to rebuild or to repair, *viz.*

Amount of fees to be exacted on granting permission to build, &c.

On all applications to build within the town	ten	rupees.
Ditto .....to repair	five	do.
On all applications to build within the fort	five	do.
Ditto ..... to repair	two	do.

subject in all cases to the condition, that where the intended building or repairs shall not cost two hundred rupees no fee whatever is to be levied.

ARTICLE XIII. The following articles are forbidden to be admitted within the town of Bombay, at any of the gates, unless by special written permission, by order of the Honourable the Governor or Commandant of the garrison, under the signature of the senior Magistrate of Police, or of the Town Major or Fort Adjutant, who are respectively to keep a registry of all such licenses as may be severally granted by them, *viz.* pitch, tar, rosin, dammer, turpentine, varnish, paint, oil, gunpowder, bamboos, tattas, cadjans, bamboo mats, and copras; any and all of which articles are, on being found within the walls of the town, to be removed without the gates, by the order of any one of the Magistrates, at the expense of the owners.

Pitch, tar, and other inflammable articles, forbidden to be admitted into the fort, unless by special permission.

ARTICLE XIV. Shops for the sale of the articles comprehended in the preceding section may be established beyond the Engineer's limits; to which

Shops for sale of the same to be established beyond the Engineer's limits.

part

part of the island it is manifestly for the general interests that trading in such dangerous commodities should be transferred.

The quantity of hay allowed to be brought within the fort.

ARTICLE XV. Fifty bundles of hay are permitted to be brought for the daily consumption of each horse kept within the walls of the garrison, such hay to be introduced under the authority of the passes above specified, and to be monthly exchanged for new passes, the latter not being issuable till the former be surrendered.

The places where hay is to be screwed and embarked.

ARTICLE XVI. Hay intended for stock at sea, or in harbour, to be screwed without the Fort and embarked at Musjed Bunder or the Apollo Pier, without being permitted to pass through the Fort.

The description of light admissible in stables, &c.

ARTICLE XVII. No lights will be allowed in stables, cow or buffalo houses, within the gates of the Fort, except in hanging globe lamps or lanthorns; and it will be the duty of the officers of police and of the garrison to remove such lamps or candles as may appear unsecured in the manner and situations above described, and also to take up any person who may be discovered smoaking in such buildings.

The description of buildings, &c. admissible within the forts.

ARTICLE XVIII. At the same time that the preceding restrictions have been deemed essential for the safety of the Fort and of the Black Town, the Governor in Council is aware of the urgent expediency of guarding, as far as possible, against fires which have so frequently occurred, and has, accordingly, been pleased to prohibit the construction, both within the walls of the garrison and the limits of the native town, of all houses, sheds, or huts, whether of tatta or cadjans, or of other materials than stone or brick with tiled roofs.

The limits and period for depositing articles of merchandize on Bombay Green defined and prescribed.

ARTICLE XIX. The practice of lumbering Bombay Green with various articles of merchandize which are easily warehoused, having increased in a degree that requires to be checked, it is to be clearly understood that such articles will be allowed to be deposited within, and not beyond the limits marked for the purpose, according to the original sanction of Government, and that even these articles must be taken away and warehoused, and the Green entirely cleared, at the expense of the owners thereof, on or before the 1st of June in each year.

Sacred bulls may be brought into the fort with permission of the senior Magistrate of Police.

ARTICLE XX. The chief Magistrate of Police may, as an especial indulgence, on application for that purpose, allow of sacred bulls being brought into the Fort, for any particular observance incident to the forms and usages of the Hindoo religion.

A Surveyor of buildings, &c. appointed.

ARTICLE XXI. The Governor in Council has been pleased to appoint a Surveyor of buildings and dwellings, and of the roads, streets, lanes, and passages situated beyond the limits of the town of Bombay; who is to officiate under the immediate orders of the Court of Petty Sessions, and who shall officiate as the Assessor and Superintendent of repairs within the limits of the town of Bombay, without any additional salary, in the event of His Majesty's Justices nominating him to those offices.

Persons depositing certain articles in the road to be fined, &c.

ARTICLE XXII. If any person or persons shall throw or deposit any timbers or rafters, any carrion, dirt, soil, straw, or dung, or any other filth or rubbish, or annoyance whatsoever, on any of the roads, streets, ways, or pub-

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lic passages, or into any of the drains or sewers made or to be made within the settlement, or fix or fasten any scaffolding bamboos or ropes, or shall set down or leave carriages, bricks, lime, or chunam, or any other matter or thing, for the space of four hours, which may occasion any annoyance, nuisance, or obstruction whatsoever, such person shall for every such offence forfeit and pay to the Court of Petty Sessions not more than the sum of fifty, nor less than the sum of ten rupees.

The amount of the fine specified.

ARTICLE XXIII. It may be lawful, however, for the said Surveyor for the time being, and he is hereby required, on due requisition in writing to be to him given by any inhabitant, proprietor, or owner of lands and houses within the settlement, to give liberty or license to any of the inhabitants or proprietors, or owners of lands or houses within the said settlement, or other builders or workmen, to make and keep up, for a time to be therein limited (but which shall not exceed one year, nor be extended by any fresh liberty of license), an enclosure on the highway before or on the sides of their respective houses or buildings, or before or on the side of any intended houses or buildings, in order to the building, pulling down, or repairing of the same, or the appurtenances thereto, and for the laying necessary materials for the same and the rubbish arising therefrom, so that the length and breadth of such enclosure be described in such license, and there be sufficient room for carts, coaches, and other carriages to pass and repass, and so that the person obtaining such license shall immediately after sunset, during all the time that the enclosure shall continue, place or cause to be placed a lighted candle or lamp in a lanthorn, and continue the same lighted until day shall break. And no person or persons, acting under such license and in pursuance thereof, and placing and continuing such candle or lamp as aforesaid, shall, during the time thereby to be limited, be subject or liable to the payment of the forfeiture herein last mentioned.

Exception to the foregoing rule.

ARTICLE XXIV. No person shall burn or make, or cause to be burned or made, bricks, lime, or chunam, within the limits of the town of Bombay, and every person offending herein shall forfeit to the Court of Petty Sessions the sum of twenty rupees at the least: and if any person so making or burning, or causing to be made or burnt, any bricks, lime, or chunam, within the said limits, shall not, after notice for that purpose given, surcease the burning such bricks, lime, or chunam, every person so offending shall forfeit to the said court the sum of twenty rupees for each and every day that the same shall continue to be made or burnt after such notice.

The burning of bricks, lime, &c. prohibited within the limits of the town.

ARTICLE XXV. The Court of Petty Sessions shall and may, at any time after the taking effect of this Rule, Ordinance, and Regulation, cause notice to be given, in such manner as they shall think proper, to the owner or occupier of any house, building, land, tenement, or hereditament, within the island of Bombay, from which any penthouse, bow-window, porch, shed, balcony, rail, bulk, sign-post, spout, gutter, or other thing, doth or shall overhang, or in any way project or encroach upon any street or other public passage, and to the owner or occupier of any stall, shamble, or booth, standing in or otherwise encroaching upon any street or other public passage, warning by such notice the said owner or occupier that he remove or regulate such projection or encroachment, in such manner as

No projections over or encroachments on the roads, &c. to be allowed.

not to incommode the public: and in case such owner or occupier shall refuse or neglect so to do, for the space of fifteendays ne xt after such notice shall have been given to him, it shall and may be lawful for the said court to cause any and every such pent-house, bow-window, porch, shed, balcony, rail, bulk, sign-post, spout, gutter, stall, shamble, booth, or other encroachment, nuisance, or annoyance, to be removed and regulated, in such manner as they shall think proper, and such owner or occupier shall forfeit to the said court a sum equal to the expenses and charges which the court shall incur in doing the same.

Such if made to be removed.

ARTICLE XXVI. No head builder, master carpenter, master mason, or workman, shall, in rebuilding or new fronting any old building, situate in or near any street, square, lane, or public way, bring the foundation thereof forward beyond the old foundation, so as to encroach upon any such street, square, lane, or public way, and every person so offending shall forfeit and pay to the Court of Petty Sessions, for every such offence, the sum of one thousand rupees, and the owner of such building shall also forfeit and pay to the said court the further sum of one thousand rupees, for every month such obstruction or encroachment shall remain, by the foundation of such building being brought forwards as aforesaid, after notice given to him or her, or left at the place of his or her last abode, by the Surveyor to remove the same: and it shall and may be lawful to and for the said court to order the same to be taken down, or regulated in such manner as they shall think proper, and such owner or occupier shall forfeit and pay to the said court a sum equal to the expenses and charges which the said court shall incur in doing the same.

The amount of fines for bringing old foundations forwards specified.

ARTICLE XXVII. The Court of Petty Sessions are hereby authorized to keep in repair, throughout the island, beyond the limits of the town of Bombay and of the Esplanade, all the roads, passages, and streets, existing within the limits aforesaid; and in the event of the said court judging it convenient and expedient to make other roads, passages, or streets on the island, or to change the course of any of the old roads, passages, or streets, they shall apply, in the first instance, for the sanction of the Governor in Council for that purpose; and for enabling the Court of Petty Sessions to effect the purposes aforesaid, they are authorized to treat and agree with the owner of such lands, houses, tenements, and other hereditaments, as it shall and may be necessary to purchase for the purposes of cutting any drains or sewers, and of making and completing such roads, streets, and passages, as aforesaid, or for any other public purpose whatever, which may be required by the Governor in Council.

The roads throughout the island to be kept in repair by the Court of Petty Sessions, and which court is authorized to make new ones, &c.

ARTICLE XXVIII. The Court of Petty Sessions shall have full power and authority to buy, and they are hereby authorized to pay, with the sanction of the Governor in Council, for the same lands, houses, tenements, and hereditaments, by them so purchased, for the purposes aforesaid; and also to pay for the making and completing of the said drains, sewers, roads, streets, and passages, out of such funds as shall be established for those purposes.

The Court of Petty Sessions invested with authority to purchase, &c.

ARTICLE XXIX. In case any person or persons shall refuse to treat, or shall not agree for the sale of any such lands, houses, tenements, or hereditaments which may be so required, then and in such case the Court of Petty Sessions

The mode prescribed where persons refuse to sell lands, &c.

Sessions shall cause the value of the premises to be inquired into, and ascertain, by and on the oath of a jury of twelve indifferent men resident in the island (which oath the said court, or one or more of them, is and are hereby empowered and required to administer), to be summoned by the Sheriff in manner herein-after mentioned, what damages will be sustained by, and what recompense and satisfaction shall or ought to be made to such owners, or other person or persons interested in the premises, or any part thereof, for their respective interest therein; and the said court are hereby empowered and required from time to time, as there shall be occasion, to summon and call before the said jury, by written notice for that purpose to be given, and to examine upon oath all persons whatsoever who shall be thought necessary or proper to be examined as witnesses touching or concerning the premises, which oath the said court, or any one or more of them, is and are hereby empowered and required to administer. And if any of the parties interested shall request the same, or the said court, or any one or more of them, shall think it necessary, they shall also cause the said jury to view the place or places in question, and shall use all other lawful ways and means, as well for their own as for the said jury's information in the premises, in such manner as the said court shall think fit: and after the said jury shall have so inquired of and ascertained and settled such damages and recompense, the Court of Petty Sessions shall order and adjudge the sum or sums of money, so assessed by the said jury for such premises as aforesaid, to be paid to the person or persons interested in the said premises, or any part or parts thereof, according to the verdict so had and made as aforesaid, and such order and adjudication so had and made shall be final and conclusive, to all intents and purposes, against all parties and persons whatsoever, claiming in possession, remainder, reversion, or otherwise, their heirs, executors, or administrators, or successors respectively, as well as all other person or persons whomsoever, and all and every person or persons, in any wise interested in the premises, or in any part or parts thereof, shall, from and after payment or tender of the money so assessed and adjudged, be, to all intents and purposes, divested of all right, title, claim, interest, or property of, in, or to the same.

The price adjudged by a jury to be paid.

The adjudication of a jury to be final and conclusive.

ARTICLE XXX. If any person or persons shall be entitled, either in reversion or remainder, to any such premises, the money so to be awarded as a satisfaction, in manner hereinbefore mentioned, shall go and be settled to the same use or uses as the same premises were for which such money shall be paid; unless such person, so interested, shall consent to give up such interest: the charge of the conveyance of the same to be defrayed by the said court from the county funds.

The mode of compensation to those entitled in remainder or reversion presented.

ARTICLE XXXI. In all and every case wherein disputes may arise and different claims and titles may be set up to any of the lands, houses, tenements, or hereditaments which the Court of Petty Sessions may find it necessary to purchase for carrying into execution the purposes of this Rule, Ordinance, and Regulation, the sum or sums of money which shall be assessed and adjudged in manner aforementioned, to be the value of such premises, shall be paid into the hands of the Accomptant General of the Court of Recorder, for the use and benefit of such person or persons as shall or may appear entitled thereto by any decree or judgment of the said Court of Recorder.

The purchase-money to be paid to the Accountant General to the Recorder's Court, in case of disputed claims to the property, subject to the decision of that court.

ARTICLE

Lands contiguous to streets and roads becoming useless for public highways to revert to the Company.

ARTICLE XXXII. In case any part of the land constituting the streets or roads on the island, beyond the limits of the town of Bombay, shall become useless and unnecessary for the purposes of a common or public highway, it shall revert to the Honourable Company, and be taken possession of accordingly by the Collector of Bombay.

Mode prescribed for impannelling the jury, and enforcing the attendance of parties summoned, &c.

ARTICLE XXXIII. For the summoning and returning of such jury or juries as before named, the Court of Petty Sessions are hereby empowered, from time to time, to issue their warrant or warrants to the said Sheriff of the town of Bombay, thereby requiring him to impannel, summon, and return an indifferent jury of twenty-four persons, being subjects resident in the island of Bombay, to appear before the said court, at such time and place as in such warrant or warrants shall be appointed, of which time and place all parties interested shall have ten days' notice in writing, to be given to the said parties, or left at their dwelling-house or usual place of abode. And the said Sheriff is hereby required to impannel, summon, and return such twenty-four persons accordingly; and out of the persons so impannelled, summoned, and returned, or out of such of them as shall appear according to or upon such summons, the said court shall cause to be sworn twelve, who shall be the jury for the purposes aforesaid. Nothing herein contained shall, however, authorize the said court, or any person or persons acting by their authority, to take possession of any house, land, tenement, or hereditaments whatsoever, for which such jury shall have ascertained the damages to be sustained and recompense to be given, until the said court, or their officer or officers, shall have paid or tendered the full sum or sums so assessed, to the person or persons to whom the said court shall have adjudged and ordered the same, according to the true intent of this Rule, Ordinance, and Regulation. Provided always and be it further enacted, that all persons concerned shall, from time to time, have their lawful challenges against any of the said jurymen when they come to be sworn; and the said court acting in the premises shall have power, from time to time, to impose any reasonable forfeiture, not less than twenty or more than two hundred rupees, for any one offence, on any of the person or persons who shall be summoned and returned on such jury and shall not appear, or shall refuse to be sworn on such jury, or to give their verdict, or in any manner wilfully neglect their duty therein, contrary to the true intent and meaning of this Rule, Ordinance, and Regulation, and on any of the persons who being required to give evidence touching the premises shall refuse to appear, or appearing shall refuse to be examined or give evidence; which said forfeiture shall be and is hereby made payable to the Court of Petty Sessions, for and on account of the county fund.

Fees for the Sheriff on impannelling the jury.

ARTICLE XXXIV. And it is hereby ordained, that the said Sheriff be allowed for every warrant to his bailiff for the summoning every jury, ten rupees and no more; and for every return of a jury, four rupees and no more; and for attending the Court of Petty Sessions on the impannelling every jury, sixteen rupees and no more; such fees to be paid by the said court from the county fund.

Actions brought against officers for acts done under their rule

ARTICLE XXXV. If any actions, suit or suits, is, are, or shall be commenced against any Magistrate or Magistrates, Surveyor or Surveyors, Collector

lector or Collectors, or any other officer or officers, agent or agents, for any act, matter, or thing committed or done, or which may be committed or done, under the authority of this Rule, Ordinance, and Regulation, or any other Rule, Ordinance, or Regulation that may be framed and made by the Governor in Council, and duly registered and published in the Court of Recorder, such actions, suit or suits, shall be defended by the Court of Petty Sessions with the assistance of the Honourable Company's law officers; and all costs and expenses thereof shall be defrayed out of the monies to be raised for the county, or in such other manner as the Governor in Council may be pleased to direct.

to be defended by the Petty Sessions.

Cost of suit, &c. to be defrayed from the county fund.

A. D. 1813. REGULATION I.

A REGULATION *for preventing the Importation of Slaves from foreign Countries, and the Sale of such Slaves in the Territories immediately dependent on the Presidency of Bombay:* PASSED *by the Right Honourable the Governor in Council, on the 5th of May* 1813 *(corresponding with the 5th Vaisak Sood, Sumbut or Vekramajit Era,* 1870; *Salbahan,* 1735; *and 3d of Jamady-ool-Avul,* 1228 *Hejry).*

I. WHEREAS the importation of slaves from foreign countries into the British territories is inconsistent with the dictates of humanity, and with the principles by which the administration of this country is conducted, the following rules have been enacted, to be in force, immediately on their promulgation, throughout the territories immediately dependent on the presidency of Bombay.

Preamble.

II. The importation of slaves, whether by land or by sea, into the places immediately dependent on the presidency of Bombay, is hereby strictly prohibited, and any person infringing this prohibition shall be liable to be prosecuted and punished for the offence by the courts of criminal judicature.

Importation of slaves prohibited.

III. Any person who may be convicted of the offence of importing slaves into the British territories subsequently to the promulgation of this Regulation, shall be sentenced to imprisonment for the period of six months, and to pay a fine to Government, according to his circumstances in life, not exceeding, however, the sum of two hundred rupees, commutable, if not duly discharged, to imprisonment for the further period of six months, on the expiration of the former part of the sentence.

Penalties for a breach of the foregoing rule.

IV. Persons imported as slaves into the British territories shall be discharged and sent back to their friends and connexions in the country from which they have been imported, at the expense of the person or persons importing them, or permitted to remain in the British territories, according as may appear most advisable to the Magistrate by whom the decision on the case may be passed.

Persons imported as slaves shall be discharged or sent back.

A.D. 1813. REGULATION II.

A REGULATION *for repealing Regulation IV.* 1812, *authorizing Appeals from the Court of Sudder Adawlut to His Most Excellent Majesty and his Most Honourable Privy Council, and for repealing so much of Regulation VII.* 1812, *as relates also to Appeals from the Decision of the same Court:* PASSED *by the Right Honourable the Governor in Council on the 28th of July* 1813 *(corresponding with the 1st Shravan Sood, Sumbut or Vekramajit Era,* 1869; *Salbahan,* 1735; *and the 29th Rujub,* 1228 *Hejry).*

Preamble. I. WHEREAS doubts have arisen as to the legal competency of this Government to admit of appeals from the decrees of the Sudder Adawlut to His Most Excellent Majesty in Council under the present statutes of the realms, the Right Honourable the Governor in Council has been pleased to pass the following enactment.

II. Regulation IV. 1812, entitled a Regulation respecting Appeals from the Court of Sudder Adawlut to His Most Excellent Majesty and His Most Honourable Privy Council, is rescinded.

III. Sections XXXI., XXXII., XXXIII., XXXIV., XXXV., and XXXVI. of Regulation VII. A.D. 1812, are also rescinded.

A.D. 1813. REGULATION III.

A REGULATION *prescribing Rules for the Repair of Water-courses, Wells, and other Works constructed for the Improvement of the Cultivation of the Lands, and kept in Repair at the public Expense, and for affording Encouragement to Individuals to construct such Works:* PASSED *by the Governor in Council on the 1st of September* 1813 *(corresponding with the 6th Bhadrapud Sood, Sumbut or Vekramajit Era,* 1869; *Salbahan,* 1735; *and 5th Rumzan,* 1228 *Hejry).*

Preamble. I. IT being necessary that provision should be made for the annual repair of certain embankments in different parts of the country, which have been considered as public works, and have been kept in repair at the expense of Government in consequence of their great extent, and the damage to which the districts and places for the protection of which they have been constructed would be liable from inundation, in the event of their not receiving the necessary annual repairs; and there being the strongest grounds for believing that if the embankments, reservoirs, and water-courses, in the estates of individuals, which are not considered as public works, were enlarged or put into a proper state of repair, and new works of the same nature made where necessary and practicable, a sufficient portion of crops might be preserved in seasons of drought or inundation for the subsistence of the body of the people, and consequently the occurrence of famine be prevented; and the Governor in Council being therefore solicitous to encou-

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rage farmers and cultivators of land to undertake these important improvements in their estates and lands, the following rules are accordingly enacted.

Care and superintendence of embankments vested in the Collector.

II. The care and superintendence of embankments which are considered as public works, and are annually repaired at the expense of Government, and also of embankments in estates, the temporary charge and repair of which may devolve on Government, in consequence of the removal of the proprietors from the management of their lands or other cause, is vested in the Collector of the zillah in which the works may be situated.

Collectors to report the state of such embankments, and the estimated expense of the repairs which they require. Report and estimate to be submitted to the Governor in Council, with their opinion whether the work ought to be performed by a professional person.

III. The Collectors are to report to the Governor in Council annually, in due season, the state of such embankments, and to transmit an estimate of the expense of the repairs which they may require, with their opinion whether the work to be performed is of such a nature as to require the assistance of an engineer officer, or other professional person.

Where a professional person shall not be appointed, the Collector is to commit the execution of the work to a careful officer.

IV. In cases in which it may be deemed unnecessary to employ a professional person to execute the work, the Governor in Council will direct the Collector of the zillah to commit the execution of the work to a careful officer, with instructions to forward to him a weekly return of the number of workmen employed, the rate of their wages, the materials, tools, or implements expended or purchased, and a report of the work performed during the course of the week.

Rules for the guidance of professional persons deputed to make the repairs.

V. If a professional person shall be employed to make the repairs, he is to survey the embankments, and transmit to the Governor in Council a statement of the repairs, or any additional works that may be required, with an estimate of the expense of them. Collectors, however, are empowered, in cases in which it may appear to them expedient, and where a professional person shall not be employed to commence such part of the work as it may be deemed indispensably necessary to complete without delay, previous to receiving the survey or estimate, or where these documents shall have been transmitted to them, without waiting for their being approved by the Governor in Council.

Accounts to be rendered to the Collector by professional persons deputed under this Regulation.

VI. Professional persons employed under this Regulation are to prepare and sign a daily or weekly return of the number of workmen employed on the embankments, which shall be delivered to an officer to be appointed by the Collector, who is to pay the workmen according to the return, transmitting it to the Collector as a voucher for the money disbursed. The professional person so employed is to transmit to the Collector an indent for such materials, tools, or implements, as may be necessary for carrying on the work, with an estimate of the cost of them, and the Collector shall furnish them at the lowest price at which they may be procurable.

Professional person to indent upon the Collector for materials and implements.

Collector to furnish them at the lowest price.

Collectors to deposit one copy of the disbursements in the cutcherry of the zillah, and to send another to the Government.

VII. The Collectors to whom the care and superintendence of the repair of embankments is or may be committed (whether the work shall have been executed by a professional person or an officer appointed by them) are to prepare two copies of the accounts of their expenditures, in the Persian and English languages, and to deposit one copy in the cutcherry of the zillah for general inspection, and to transmit the other to the Governor in Council.

VIII.

Advances to be issued to individuals for repairing or making embankments, reservoirs, or water-courses.

VIII. Advances shall be made to proprietors and farmers of land, or dependent Talookdars, or under-farmers or Ryots, for the purpose of repairing or making embankments, or repairing, enlarging, or making tanks, reservoirs, or water-courses, under the conditions specified in the following sections.

Applications for such advances, to whom to be made, and what to contain.

IX. The applications for such advances are to be made in writing to the Collector of the zillah, and are to specify the nature and extent of the work for which they are required, the period by which it will be completed, and the amount of the advance solicited.

Persons applying for advances, to give the security herein required.

The person applying for advances is to give security for the payment of the advance with interest, and also for the payment of the penalty to be exacted in the cases mentioned in Section IX., and shall specify in his application the security he may have to offer.

Proprietors are also to give security.

Where the person making the application may be the proprietor of the lands for the benefit of which the works are intended, he shall give the like security as is required from farmers or other persons.

Engagement to be executed by persons receiving advances and their securities.

X. Persons receiving advances, and their sureties, are to bind themselves to repay the amount, at such period or periods as may be agreed upon between them and the Collector, with interest at the rate of nine per cent. per annum, and also to pay a penalty of twenty-five per cent. on the amount advanced, in the event of the works not being completed by the stipulated period, or of the money not being applied to the purpose for which it may have been advanced.

Collector how to proceed with such applications.

XI. The Collectors, upon the receipt of such written applications, are to forward them without delay to the Governor in Council, with any remarks

Governor in Council empowered to comply with them.

which they may have to offer respecting them. The Governor in Council, provided there shall appear to them no objection to the execution of the work proposed, and they shall be satisfied on the report of the Collector of the sufficiency of the security offered for the repayment of the required advance with interest, and for the discharge of the penalty in the cases mentioned in the preceding section, will authorize the Collector to make the required advance upon the person applying for it, and his surety, executing the prescribed engagements.

Survey and report of the works to be made and sent to the Collectors, who are empowered to levy the penalty in the case herein specified.

XII. Upon the arrival of the period by which such works may have been stipulated to be completed, the Collector is to direct the Tehsildar, or other officer of Government upon the spot, or such person as he may deem it proper to appoint, to survey the works, and to report in what manner they have been executed; and in the event of their not having been completed according to the engagement, and by the stipulated period, or of the money not having been applied to the purpose for which it may have been advanced, he is to levy the penalty above directed, sending immediate information to the Governor in Council of the exaction of it.

Report to be made by the Collectors of the execution of the works.

XIII. The Collectors are to transmit to the Governor in Council quarterly reports on the execution of the works for which advances may be made under this Regulation.

Cases in which the Government may extend the period fixed for completing works.

XIV. If a work for which advances may be made under this Regulation shall not be completed by the stipulated period, and the person who may have

have received the advances can shew good cause, to the satisfaction of the Collector, for not having finished it, he is to report the circumstances to the Governor in Council, who are empowered to allow such further time for the completion of the work as they may judge proper.

A. D. 1813. REGULATION IV.

A REGULATION *for defining more particularly the different Classes of People who shall be liable to be tried by the Courts of Criminal Judicature established in the British Possessions, for Offences committed in foreign Territories:* PASSED *by the Governor in Council on the 1st of September* 1813 *(corresponding with the 6th Bhadrapud Sood, Sumbut or Vekramajit Era,* 1869; *Salbahan,* 1735; *and 5th Rumzan,* 1228 *Hejry).*

Preamble.

I. WHEREAS doubts have arisen respecting the construction which should be attached to the words "Native subjects of the British Government," employed in Regulation III. 1809; and whereas it is essential to the ends of justice that the necessary definition should be given of those terms, and also that the provisions of that Regulation should be extended to certain other classes of persons to be now described, the following Rule has been enacted, to be in force from the period of its promulgation throughout the territories immediately dependent on the presidency of Bombay.

What classes of persons the provisions of Regulation III. 1809 should be considered applicable to.

II. The provisions contained in Regulation III. 1809, for the punishment of crimes committed beyond the British territories in India, shall be considered applicable to the three following classes of persons, and to no other.

First. Natural-born subjects of the British Government in India.

Second. Natives of India, who may have become subjects of the British Government in India by the conquest or cession of the places in which they were born, for acts done by them subsequently to the period of such conquest or cession.

And in what case the established courts are restricted from taking cognizance of any charge against a native military officer, sepoy, trooper, or other person.

Third. Natives of the foreign states of India, in the civil or military service of the British Government in India, while actually in such service, and during six months after they shall have quitted the British territories, or (supposing them to be stationed out of the limits of the British territories) after they shall have quitted the service: Provided, however, that nothing contained in this Regulation shall be construed to authorize any of the established courts in the British provinces to take cognizance of any charge against a native military officer, sepoy, trooper, or other person, for which he may have been already tried by a court martial, under the fifth article of the fifteenth section of the Rules and Articles of War.

A. D. 1813. REGULATION V.

A REGULATION *to enable the Governor in Council to institute or defend, through the Medium of the Public Officers of Government, Actions in which Native Princes, whom it would be improper to require to appear as Plaintiffs or Defendants in the Courts of Judicature, may be parties:* PASSED *by the Governor in Council on the 4th September* 1813 *(corresponding with the 9th Bhadrapud Sood, Sumbut or Vekramajit Era,* 1869; *Salbahan,* 1735; *and 8th Rumzan,* 1228 *Hejry).*

Preamble.

I. WHEREAS, with the view of preserving inviolate the rights of individuals, the British Government has rendered itself amenable to the courts established for the administration of justice in civil cases, throughout the provinces subject to the presidency of Bombay: and whereas, in the same spirit of equity, the Government has precluded itself from deciding by its own authority on disputed claims to property of every description, in which it may be a party with any of its subjects; and whereas the sovereigns and independent chieftains of adjacent states have occasionally claims to prefer or rights to defend, as individuals, in the territories of the British Government, and difficulties having occurred in prosecuting or defending such claims, from the reluctance felt by those princes or independent chieftains to appear as plaintiffs or defendants in the courts of judicature, the following rules have been passed, to be in force from the period of their promulgation throughout the territories immediately dependent on the presidency of Bombay.

How claims of sovereign native princes on individuals may be prosecuted and decided upon.

II. *First.* In cases in which sovereign native princes or other independent chieftains, whether residing within the British territories or otherwise, shall have claims to prefer, as individuals, to lands or other things, the cognizance of which is vested by the general constitution of the country in the courts of civil judicature, it shall be competent to the Governor in Council to order a suit to be instituted, through the medium of public officers, for the recovery of the lands or other things which may be so claimed, in the court which, on the principles of the general regulations, is authorized to inquire into and decide upon the right to the disputed property.

The Governor in Council may order the public officers to defend suits brought by individuals against such sovereign native princes.

Second. In like manner, should a suit be instituted in any of the established courts of civil judicature, by any Zemindar or other person, for the recovery of lands or other things in the occupancy of any native prince or independent chieftain, whom it would be improper to require to defend the action himself, it shall be competent to the Governor in Council to order such suit to be defended by the public officers.

By whom suits so instituted or defended shall be conducted.

III. Suits which may be instituted or defended under the preceding section shall be conducted by the Collectors of the land Revenue, aided by the Vakeels of Government, at the City, Zillah, and Provincial Court of Appeal. The Collectors will, of course, on all such occasions be furnished by the Governor in Council with such information and instructions as may appear necessary to enable them duly to superintend the conduct of the prosecution or of the defence.

A summary of the decree passed in any case of that nature

IV. In all original suits and appeals in which Government may be a party under the provisions of the present Regulation, the court which may pass judgment

judgment shall, in addition to the copies of the decrees required to be delivered to the parties, transmit a summary of the decree with as little delay as possible, in the English language, to the Secretary to Government in the Judicial Department, for the information of the Governor in Council; who, on receipt of such summary, will issue any orders to the Collectors of the Revenues which the case may appear to require, or will cause the necessary notification to be made to the person on whose behalf the cause shall have been prosecuted or defended, of the final judgment given on the action.

wherein Government may be a party, shall be transmitted immediately to the Secretary in the Judicial Department, for the orders of Government.

A.D. 1813. REGULATION VI.

A Regulation *to empower the Governor in Council to order the Removal of Emigrants from foreign Countries, and their Descendants, from any Place in the Vicinity of the Frontier of the State from which they may have emigrated; and, in certain Cases, to place and detain any such Persons in safe Custody; and likewise to provide for the Trial of Emigrants and their Descendants, who may excite Disturbances in the Countries from which they may have emigrated, and of Persons aiding them in the Prosecution of such Attempts:* Passed *by the Governor in Council on the 4th September* 1813 *(corresponding with the 9th Bhadrapud Sood, Sumbut or Vekramajit Era,* 1869; *Salbahan,* 1735; *and 8th Rumzan,* 1228 *Hejry).*

I. Whereas considerable numbers of persons, being natives of Cutch, Scind, and the other provinces bordering in the vicinity of Guzerat, from time to time emigrate from their native country and establish themselves in the British territories subject to the presidency of Bombay; and whereas it is essential that the Governor in Council should possess legal powers to remove these emigrants or aliens from the British territories in the event of their conducting themselves in a manner manifestly tending to disturb the relations of amity which subsist between the British Government and the native powers aforesaid, by abusing the protection that may be afforded them in the British territories, exciting disturbances in the country to which they may belong, and likewise to detain in confinement any of those persons, or any other individuals, being natives of foreign countries or their descendants, for offences of the above nature actually committed by them in the territories of the state from which they may have emigrated; and whereas it is necessary to make provision for the trial of persons committing or aiding in the commission of the said offences; the following rules have been passed, to be in force from the period of their promulgation throughout the territories immediately dependent on the presidency of Bombay.

Preamble.

II. Whenever the Governor in Council, upon due investigation, shall be satisfied that emigrants from any of the states above specified, and who may have sought an asylum in the British territories, or the descendants of any of the said emigrants, shall have abused the protection afforded to them, by attempts to excite disturbances in the state from which they or their ancestors may have emigrated, it shall be competent to the Governor in Council to order the removal of those persons to such other part or parts of the country

Cases in which the Governor in Council may order the removal of emigrants to such parts of the country as he may deem most convenient.

country as may be judged most convenient for their future residence. In like manner, it shall be competent to the Governor in Council to order such removal, whenever he may have grounds to be satisfied that the residence of any body of aliens, or their descendants, in the vicinity of the frontier of the country from which they or their ancestors may have emigrated, is likely to cause any serious misunderstanding between that state and the British Government.

Such emigrants allowed to dispose of any property they may have acquired; or Government may order real property not disposed of at the period of removal to be sold, and the proceeds to be paid to the emigrants.

III. Whenever any body of emigrants, or any individuals belonging to such body, shall be ordered to be removed from the part of the country in which they may have been established, they shall be allowed to dispose of any property which they may have acquired in such manner as they may judge proper: Provided, however, that if they shall nevertheless retain the right to any real property at the period of their actual removal, it shall be competent to the Governor in Council to order such property to be sold by public auction, under the superintendence of the Collector of the district. In that case, the net proceeds of the sale shall be duly paid to the person or persons to whom the said property belongs.

The Governor in Council may, in certain cases, order the leaders of other emigrants to be apprehended and kept under restraint.

IV. In cases in which the Governor in Council may, on due inquiry and mature deliberation, be satisfied that either the preservation of the tranquillity of the British territories, or of the dominions of the allies of the British Government, or the maintenance of the relations of amity subsisting between the British Government and other states, require that any of the leaders or other persons of the above description, who may have committed the offences mentioned in Section II. of this Regulation, should be placed and detained under restraint, it shall be competent to the Governor in Council to order any such persons having committed any of the said offences, but not otherwise, to be apprehended and committed to confinement, at such place, and under the custody of such public officer, and detained in confinement for such time as may be deemed by the Governor in Council necessary for the public good.

Emigrants or their descendants exciting disturbances in the countries from which they may have emigrated, to be tried; and if convicted, to be sentenced to seven years' imprisonment.

V. *First.* Any persons of the above description, or their descendants, who, while living under the protection of the British Government, shall enter the country from which they or their ancestors may have emigrated, or any other foreign country, and shall excite or attempt to excite disturbances in the said countries, shall be liable to be brought to trial for that offence before the Court of Circuit, and if convicted, shall be sentenced to suffer imprisonment for the period of seven years.

Any persons aiding or assisting in attempts to excite such disturbances liable to trial and similar punishment.

Second. Any persons, whether native British subjects or native subjects of the British Government, or aliens, who shall furnish emigrants from foreign countries with any assistance, either of men, money, or arms, in prosecution of their attempts to excite disturbances in the country from which they may have emigrated or in any other country, or shall otherwise aid such aliens in the prosecution of their criminal design, shall be liable to be brought to trial for that offence before the Court of Circuit, and if convicted, shall be sentenced to suffer imprisonment for the term of seven years: Provided, however, that if the Judge of Circuit by whom the case may be tried shall be of opinion that the punishment established by this and the preceding clause should in any instance be mitigated, he shall submit the proceedings

Such sentences may be mitigated in certain cases; but no sentence or order passed on any such trials to preclude

ceedings held on the trial to the Superior Tribunal, who will recommend to the Governor in Council such alleviation of the prescribed punishment as they may judge proper. Provided, moreover, that no sentence or order, which may be passed on the trial of any persons under the provisions of the present Regulation, shall be competent, or shall be construed to preclude the Governor in Council from the exercise of the power vested in the Government by Section IV. of the said Regulation.

Government from the exercise of the power vested in it by Section IV.

A. D. 1813. REGULATION VII.

A REGULATION *for authorizing the Judges of the Zillahs under the Presidency of Bombay, or the Magistrates of Bancoote and Caranja, to execute Judgments passed by the Court of Requests for the Town of Bombay:* PASSED *by the Governor in Council on the 4th September* 1813 *(corresponding with the 9th Bhadrapud Sood, Sumbut or Vekramajit Era,* 1869; *Salbahan,* 1735; *and 8th Rumzan,* 1228 *Hejry).*

I. WHEREAS, with the view of guarding the execution of the judgments of the Commissioners of the Court of Requests for the town of Bombay being defeated, by the parties against whom the same have been obtained absconding from the limits of the town into the zillah of Salsette, or to any other of the jurisdictions under the presidency of Bombay; to remedy the inconvenience in question the following rules have been enacted, to be in force from the period of their promulgation.

Preamble.

II. *First.* If the defendant in any suit decided by the Court of Requests for the town of Bombay, the plaintiff in which shall have obtained a judgment, shall retire before execution of the same into the jurisdiction of the Judge of the zillah of Salsette, or any other zillah or station beyond the jurisdiction of the Court of Recorder, the Judge or Magistrate of the station whither the party may have absconded, upon receiving a written application from the said plaintiff, either in person or by a Vakeel, setting forth the above circumstances, and accompanied by a copy of the judgment duly authenticated, is hereby authorized and directed to proceed to execute the said judgment, in the mode prescribed by the existing Regulations for executing his own decrees.

The Judge of the zillah of Bombay ordered, under certain circumstances, to execute judgments of the Commissioners of the Court of Requests for the town of Bombay.

Second. Provided always, that if the defendant in such case shall allege any cause against the execution of the judgment, which shall appear to the Judge or the Magistrate to require the determination of the Commissioners of the Court of Requests, the Judge shall, upon such defendant entering into sufficient security to satisfy the judgment, if the Judge should deem this precaution necessary, allow the said defendant a reasonable period to apply to the said Commissioners; upon the expiration of which, unless the said defendant should produce an order properly authenticated from the said Commissioners, certifying that the judgment ought not to be put into execution, the Judge shall forthwith proceed to execute the judgment as prescribed in the preceding clause.

The Judge, upon the defendant alleging any cause against the execution of the judgment, which may require the determination of the Commissioners, how to proceed.

Defendants who have been confined by the Commissioners, but liberated, not again to be confined by the Judge in execution of the same judgment; execution in such cases to proceed against the property only.

Third. Provided further, that no defendant who shall have been confined in the jail of the said Commissioners, and shall have been subsequently released, shall again be confined by the Judge of any Zillah Court in execution of the same judgment; but that, in all such cases, execution shall proceed against the property only of the defendant.

A. D. 1813. REGULATION VIII.

A REGULATION *for preventing Native Officers from making use of public Money entrusted to their Care, for prescribing the Agency of Comavisdars, for prohibiting Native Officers employed in the Revenue Department from being engaged in Trade, and from receiving any Nuzzers or Presents:* PASSED *by the Governor in Council on the 4th of September* 1813 *(corresponding with the 9th Bhadrapud Sood, Sumbut or Vekramajit Era,* 1869; *Salbahan,* 1735; *and 8th Rumzan,* 1228 *Hejry).*

Preamble.

I. WHEREAS the interests of Government require that Photehdars, Tehsildars, and other native officers, should be restrained from making use of the public money entrusted to their care, the following rules have been enacted, to be in force from the period of their promulgation throughout the territories immediately dependent on the presidency of Bombay.

Native revenue officers prohibited from converting the public money under their charge to private advantage.

II. Photehdars, Tehsildars, and other native officers entrusted with the charge of public money, are hereby strictly prohibited from making use of such money for their own advantage or that of any other individual.

A breach of this Regulation to be punished as a misdemeanor.

III. Any person infringing the rule contained in the foregoing section shall be deemed to have been guilty of a misdemeanor, and shall be punished, on conviction thereof before a Court of Circuit, at the discretion of the said court. Provided nevertheless, that no person convicted of the offence specified in the preceding section of this Regulation shall be sentenced by a Judge of Circuit to the punishment of stripes or to hard labour. If in any instance imprisonment for the term of seven years shall appear to the Judge of Circuit to be an inadequate punishment for the offence, he shall transmit the trial, with his sentiments thereupon, to the Court of the Superior Tribunal, for the final sentence of that court.

Comavisdars prohibited from holding charge of more than one pergunnah, under certain restrictions.

IV. No Comavisdar to hold charge of more than one pergunnah, if the rental of that pergunnah shall be equal to one lack of rupees per annum.

V. No Comavisdar to hold charge of more than one pergunnah, although their united rentals be under one lack of rupees, unless such pergunnahs or other division be locally connected, and adjoining to each other, without any intervening district.

Respectability of character to be attended to in the selection of Comavisdars.

VI. The Collector is, in the selection of Comavisdars, to pay the utmost attention to their characters and responsibility, previously reporting their names to Government, whose sanction shall be required to the confirmation of any such appointment.

VII.

VII. All Comavisdars or others concerned in the collection of the revenue are to stand prohibited, from the beginning of the year ensuing, from being engaged in trade, and restricted from the receipt of any nuzzers or presents of any amount or description; to which effect they are severally to enter into mochulkas or final engagements, subjecting themselves to dismission from office for being hereafter engaged in any commercial transaction, and to a penalty of three times the amount on conviction in a court of justice of any nuzzer they may have received; of which deeds attested copies are by the Collector to be transmitted and lodged in the registry of the Court of Adawlut of the division.

Revenue officers prohibited from engaging in trade or receiving presents.

VIII. It shall be the duty of the Collectors of Revenue, Commercial Residents, and other officers, to submit to Government a special report respecting all convictions and sentences which may take place under the provisions of the present Regulation, in order that the Governor in Council may have an opportunity of considering whether the guilty persons should not also be declared incapable of again serving Government in any public capacity.

Reports to be made to Government of all convictions and sentences under this Regulation.

A. D. 1813. REGULATION IX.

A Regulation *for defining the Duties to be performed, and Powers exercised by single Judges of the Provincial Court of Appeal, in the Absence of the other Judges of the Court:* Passed *by the Right Honourable the Governor in Council, on the 4th September* 1813 *(corresponding with the 9th Bhadrapud Sood, Sumbut or Vekramajit Era,* 1869; *Salbahan,* 1735; *and 8th Rumzan,* 1228 *Hejry).*

I. Whereas it has been deemed advisable to define the duties which devolve upon a single Judge of a Provincial Court of Appeal during the absence of the other Judges from the station where the court is held, as also in cases wherein another Judge being present at the station may be prevented by indisposition or other cause from attending the sittings of the court, the Governor in Council has been pleased to enact the following rules.

Preamble.

II. Whenever one Judge only of a Provincial Court of Appeal may be present at the station where the court is held, or though two or more Judges may be present at the station, if one Judge only shall be able to attend on the days fixed for the sittings of the court, which under the Regulations now in force are to be held three days in every week, or oftener if the business shall require it, the officiating Judge so attending the court is authorized and directed to perform the duties specified in the following section.

Authority and direction given to a single Judge of Appeal to perform the duties specified.

III. *First.* To execute all decrees, precepts, and orders of the Sudder Adawlut; make returns in the prescribed form in all cases of reference from that court; also to receive petitions of appeal to the Sudder Adawlut from the decisions of the Provincial Court, which may be duly presented within the fixed period, and to proceed thereupon as directed by the Regulations.

Secondly.

Further duties to be performed by a single Judge of a Provincial Court.

Secondly. To execute all decrees and orders which may have been passed by two or more Judges of the Provincial Court, and which shall not have been carried into full execution: provided that this authority be not construed to empower any single Judge to perfect interlocutory decrees, by passing final judgment or order upon any point left undetermined by the decision of a competent Provincial Court, or generally to give any determination upon the rights of parties, which may not have been expressly adjudged at a regular sitting of the Provincial Court.

Proviso.

What other duties a single Judge of a Provincial Court is authorized to perform.

Thirdly. To receive petitions of appeal from decisions of the Zillah Courts, whether transmitted by the Judges of those courts or presented as allowed in particular cases by the Regulations immediately to the Provincial Courts: and if the appeal shall clearly appear to be admissible under the prescribed limitations, and the petition for it shall have been duly presented within the fixed period, to admit the appeal, and issue all consequent process for the appearance of the respondent, as well as for obtaining the proceedings held upon the cause appealed; but if the petition of appeal shall not have been presented within the limited period, or although so presented, if there appear to be any room for doubt whether the cause be regularly appealable to the Provincial Court, or if the petition be for a special appeal in cases where a regular appeal is not open to the Provincial Court, the admission or rejection of the appeal shall be left for the consideration of a competent court, and the single Judge receiving the petition shall merely record the receipt of it, and of the institution fee and securities required to accompany it, which shall be returned in the event of the appeal not being ultimately allowed by the Provincial Court.

Continuation of the specification of duties to be performed by a single Judge of a Provincial Court.

Fourthly. To ascertain and determine the sufficiency of securities offered for the admission of appeals or for the fees of pleaders, or for staying the execution of decrees appealed from, to summon and examine witnesses for proving vakalutnamahs or mokhtarnamahs, or for establishing the poverty of paupers, and to prepare appealed causes for trial, by receiving the pleading of the parties or their Vakeels, and any exhibits which may accompany them.

Further specification of those duties.

Fifthly. To summon and examine any witnesses upon the merits of the case in appeal, whom the Provincial Court may have previously ordered to be examined; or where evidence may be offered upon points in which the Provincial Court may have resolved to admit new evidence on a previous hearing of the appeal: but this authority shall not be considered to empower any single Judge to summon and examine witnesses upon any point relative to the merits of a cause in appeal, unless two or more Judges of the Provincial Court shall have directed the examination of such witnesses, or have resolved to admit new evidence on the point or points in proof of which such witnesses may be adduced.

Continuation of the same subject.

Sixthly. To proceed in causes referred for trial in the first instance to the Provincial Court by the Governor in Council, or by the Sudder Adawlut, in like manner as stated in the foregoing clause respecting appeals, and under the same restrictions.

What other duties are to be performed by a single Judge of a Provincial Court.

Seventhly. To receive miscellaneous petitions relative to matters depending before or decided by any Zillah Court, in all cases wherein the Provincial Courts are authorized to receive such petitions, and to proceed thereupon

upon as the Provincial Courts are empowered to proceed; except that no final order shall be passed upon the subject of any such petition until two or more Judges be present, nor shall a single Judge of the Provincial Court be deemed competent to pass a final and conclusive order in any case whatever.

Eighthly. To correspond with the Governor in Council, with the Sudder Adawlut, with the Zillah Courts, and generally with all public officers, in like manner as the Provincial Court is authorized to correspond with such public officers, and to perform all miscellaneous duties arising out of such correspondence, or incidental to the necessary discharge of the usual functions of an officiating Judge of a Provincial Court of Appeal; also to furnish the monthly and other periodical reports and accounts prescribed by the Regulations, or required by the orders of Government or of the Court of Sudder Adawlut.

Conclusion of this subject.

IV. In the execution of the duties prescribed by the preceding section, a single Judge of a Provincial Court of Appeal, or an acting Judge appointed to officiate as such, when none of the Judges of a Provincial Court may be present at the station where the court is held, shall possess the same powers as are vested by the Regulations in the court collectively, subject to the several restrictions specified, and also to the further restriction noticed in the following section.

In the execution of the duties above described, a single Judge of a Provincial Court or an Acting Judge thereof to possess the same powers as the court collectively, subject to the restrictions specified and to the further restriction in Section IV.

V. In the event of any witness who may be examined by a single Judge of a Provincial Court, or by a person appointed to officiate as such, or by the Register of the Provincial Court acting under the orders of a single Judge, appearing to be guilty of perjury, so as to merit commitment for trial before the Court of Circuit, in pursuance of the provisions made by the Regulations for that purpose, the Judge may cause such witness to be held to bail, or if satisfactory bail be not given for his appearance at the first regular sitting of the Provincial Court, may cause him to be kept in custody until he can be brought before two or more Judges of the Provincial Court, but shall not pass a final order to commit the witness for trial on a charge of perjury, until the grounds of it shall have been submitted for the determination of a competent court.

How a single Judge of a Provincial Court, or an acting Judge or Register thereof, is to proceed with a person appearing to be guilty of perjury.

VI. The powers vested by this Regulation in a single Judge of the Provincial Court of Appeal shall not be construed to prevent the court at large, or any two Judges of the court, from re-examining witnesses whose depositions may have been taken before a single Judge, if it appear requisite, or from examining any other witnesses in the cause, or generally from passing any order that may appear proper and consistent with the Regulations, whether in addition to or in qualification or abrogation of any previous order of a single Judge.

Powers vested by this Regulation in a single Judge of a Provincial Court not to be construed to prevent the court at large, or any two Judges thereof, from the re-examining witnesses or performing any of the other acts herein specified.

A. D. 1813. REGULATION X.

A REGULATION *for the Conduct of the Trade of foreign Nations with the Ports and Settlements of the British Nation in the East-Indies; and for defining the Duties to which such Trade shall be subject at such of the said Ports and Settlements as are immediately dependent on the Presidency of Bombay, and for prohibiting the Export of Woollens from Bombay and its Dependencies to China, defining the Duties to be levied on Provisions imported on account of His Majesty's Navy, and directing the Levy of a Duty on the Export of Bullion to Europe or America:* PASSED *by the Governor in Council on the 4th September* 1813 *(corresponding with the 9th Bhadrapud Sood, Sumbut or Vekramajit Era,* 1869; *Salbahan,* 1735; *and 8th Rumzan,* 1228 *Hejry).*

Preamble.

I. THE Honourable the Court of Directors of the United Company of Merchants of England trading to the East-Indies having been pleased to establish certain Regulations, in pursuance of the powers vested in them by an Act of Parliament passed in the thirty-seventh year of George the Third, Chapter CXVII., for the conduct of the trade of foreign nations to the ports and settlements of the British nation in the East-Indies, and also for defining the duties to which such trade shall be subject, the said rules have been accordingly framed into a Regulation, to be in force in the territories immediately dependent on the presidency of Bombay from the period of its promulgation.

Rules under which foreign European ships belonging to nations having a settlement in India may enter or clear out from British seaports in that country.

II. Foreign European ships belonging to any nation having a settlement of its own in the East-Indies, and being in amity with His Majesty, may freely enter the British seaports and harbours in that country, whether they come directly from their own country or from any of the ports and places in the East-Indies. They shall be hospitably received, and shall have liberty of trade there in imports and exports, conformably to the Regulations established in such places. The said ships may also be cleared out for any port or place in the East-Indies; but if cleared out for Europe, shall be cleared out direct for the country in Europe to which such ships respectively belong.

Rules as to ships belonging to nations having no establishment in India, and American ships.

III. *First.* Foreign European ships belonging to countries having no establishment in the East-Indies, and ships belonging to the United States of America, may (when those countries and states respectively are in amity with His Majesty) in like manner freely enter the British seaports and harbours in the East-Indies. They shall be hospitably received there, and have free liberty to trade in imports and exports, conformably to the Regulations of the place: Provided always, that they proceed from their own ports direct to the said British territories, without touching at any port or place whatever in the voyage out, except from necessity, and merely to procure refreshments or repairs in case of distress or accidents in the course of such voyage, the burthen of the proof of which necessity is to rest on the parties.

Second.

Second. The vessels of the said European powers last aforesaid, and of the said United States, shall not carry any of the articles exported by them from the said British territories to any port or place, except to some port or place in their own countries respectively, where the same shall be unladen. The said ships shall not be cleared out to carry on the coasting or country trade in India; but vessels going with their original cargoes, or part thereof, from one British port of discharge to another British port, are not be considered as carrying on the coasting trade.

Such ships not to export goods from the British territories in India, except to their own countries respectively.

Exception as to part of their original cargoes.

Third. The said vessels shall not be allowed to proceed either with or without return cargo from the said British territories to the settlements or factories of any foreign European nation in India, or to the territory of any Indian or Chinese potentate or power, except from the like necessity as is before described, of which the proof shall rest with them.

Such ships not to proceed from British ports to any foreign settlement or factory or any Indian or Chinese port, except through necessity.

Fourth. In clearing out for their respective countries, the clearance shall be a direct one to the country, European or American, to which the vessel belongs, and to no other whatever. They are to give bond, with the security of a resident in the country, that they will deliver the cargo at the port for which the clearance is made; and such bond is to be cancelled, when a certificate from a British Consul, or two known British merchants resident at such port, is produced, of the *bonâ-fide* delivery of the cargo there.

Such ships on clearing out shall give bond to deliver their cargoes at the port for which the clearance is taken out.

Fifth. The following is the form of the bond which is to be executed on occasions of that nature:

Form of the Bond.

" KNOW all men by these presents, that we .....are " jointly and severally held, and firmly bound to the United Company of " Merchants of England trading to the East-Indies, in the sum of rupees " ....., to be paid to the said United Company, their " certain attornies, successors, or assigns; for which payment well and " truly to be made, we bind ourselves and each of us, himself, our and each " of our heirs, executors, and administrators, firmly by these presents, " sealed with our seals, this ..... day of ....., in the year " of our Lord ..... Whereas the Directors of the United Company of " Merchants of England trading to the East-Indies, by virtue of the powers " by law to them given, did frame certain regulations for the trade to be " carried on with the British possessions in India by the ships of nations in " amity with His Majesty, and thereby, among other things, directed, that " foreign European ships belonging to nations having no establishments in the " East-Indies, and ships belonging to the United States of America, should not " carry any of the articles exported by them from the said British territories " to any port or place except the ports or places of their respective coun- " tries, and that upon such ships clearing out of the ports of the said " British territories for their respective countries, the clearance to be " granted to them should be directed to the country to which the ship " belonged and to no other whatsoever, and that bonds should be taken, " with security of persons resident within the British territories, conditioning " that the cargoes of the said ships exported from the British territories " should be delivered at the ports for which their clearances were made: " and whereas the above-bounden ..... of the ship ....., " belonging to the port of ..... in the dominion of " ....., and now lying in ....., laden with a cargo " consisting

" consisting of ....., has applied to the Collector of Customs " at the port of ..... for a port-clearance to the port " of ..... within the dominions of ....., " the said ....., which is intended to be granted to him: Now " the condition of the above-written obligation is such, that if the goods " herein before-mentioned, and every part thereof, shall be really and truly " exported to and landed at the said port of ....., and " if no part thereof shall be carried to and landed at any other place what- " soever, and if within ..... months from the day of the date of the " above-written obligation there shall be brought and produced to the " Governor in Council of Bombay for the time being, or to such other " person at Bombay aforesaid as the said Governor in Council shall appoint " to receive and examine the same, a certificate signed by the British Con- " sul resident at the said port of ..... (or if no British " Consul shall be resident at the said port of ....., then a " certificate signed by two British merchants resident at the said port of " .....), certifying that the said goods have been there " landed; or if there shall be made full and sufficient proof, to the satisfac- " tion of the said Governor in Council, or such person at Bombay aforesaid " as the said Governor in Council shall appoint to receive and examine such " proof, that the said goods have been taken by enemies, or perished in the " seas, then the above-written obligation to be void, otherwise to be and " remain in full force and effect."

How the pecuniary obligation and security are to be adjusted.

IV. The pecuniary obligation and security required by the foregoing clauses of this section shall be adjusted on a consideration of the tonnage of the vessel, and shall in ordinary cases be calculated at the rate of one hundred rupees per ton; but an authority is reserved to the Governor in Council to reduce that rate, in cases in which any substantial reasons can be assigned for that indulgence. Applications of this nature are uniformly to be made through the Collector of Government Customs, who shall forward them to the Governor in Council with his sentiments on the subject for his orders.

Goods imported or exported on foreign bottoms, subject to duty.

V. Goods imported or exported on foreign bottoms shall be subject to the following duties, *viz.*

First. On imports, sixty per cent. advance on the original invoice cost attested upon oath, and four and a half per cent. customs to be levied on the aggregate.

Second. On exports, three and a half per cent. customs on the original invoice attested upon oath, on such articles as may have been purchased at this port.

VI. The town duty of four per cent. will be collected upon the same principle as the four and a half per cent. customs on imports, for such articles as are liable to that levy, agreeably to the provisions contained in Regulation I. of 1810.

Woollens not to be exported from Bombay to China.

VII. Woollens, whether the manufacture of Europe, India, or any other country, shall not be shipped for exportation from Bombay to China on any account whatever.

VIII.

VIII. Provisions and stores purchased in India by His Majesty's Naval Commissioners for the use of His Majesty's navy and imported at Bombay to be passed duty free; except such articles of provision as may be supplied to the squadron by the contractors or their agents, which are to be subject to the prescribed duties.

Provisions purchased for the use of His Majesty's navy to be passed duty free.
Exception.

IX. A duty shall be levied on all coin or bullion exported from Bombay, or from any port subordinate thereto, either to America or Europe, at the rate of three per cent. if exported on British vessels, and six per cent. if exported on foreign bottoms. Provided, however, that nothing contained in the present or in any former Regulation shall be construed to authorize the collection of any duty on the exportation of coin or bullion to any other place, excepting Europe and America, as aforesaid.

Duty to be levied on the exportation of coin or bullion to Europe or America.
Exception.

A. D. 1813. REGULATION XI.

A Regulation *for prohibiting Covenanted Civil Servants of the Company, employed in the Administration of Justice or the Collection of the public Revenue in the British Territories under the Presidency of Bombay, from lending Money to Zemindars, independent Talookdars, or dependent Talookdars, or other Landholders or Farmers of Land, holding Farms immediately of Government, or the Under-farmers or Ryots of the several Descriptions of Landholders, and Farmers of Land abovementioned, or their respective Sureties; and for prohibiting Europeans of any Description holding Possession of Lands that may be mortgaged to them, or purchasing or renting Lands in the Provinces under this Presidency, for erecting Houses or Buildings, for carrying on Manufactures or other Purposes, without the Sanction of the Governor in Council:* Passed *by the Governor in Council on the* 16*th of September* 1813 *(corresponding with the* 6*th of Bhadrapud Vud, Sumbut or Vekramajit Era,* 1869; *Salbahan,* 1735; *and* 20*th Rumzan,* 1228 *Hejry).*

I. From a regard to the prejudices of the natives, and with a view to promote their ease and happiness, and to obviate the evils that would necessarily result from allowing any persons, not amenable to the Provincial Court of Judicature in common with the natives, to purchase or rent estates without restriction or limitation, or to hold any land whatever, excepting for the erection of dwelling-houses or buildings for manufactures, or other commercial purposes, the Governor in Council has been pleased to enact the following rules.

Preamble.

II. The Judges and Magistrates of the Zillah Courts, the Judges to the Provincial Court of Appeal and Court of Circuit, and the Registers to their respective courts and their assistants, or other officers, being covenanted servants of the Company, and the Collectors of the Revenue and their assistants, are prohibited lending money, directly or indirectly, to any landholder or farmer of land, dependent Talookdar, or under-farmer or Ryot, or their sureties, and all such loans are declared not recoverable in any court of judicature.

Covenanted servants of the Company employed in the administration of justice, or the collection of the revenue, prohibited lending money to landholders, or farmers of land, dependent Talookdars, under farmers or ryots, or their sureties.

Europeans now possessing, or who may hereafter purchase, rent, or occupy land, without the sanction of the Governor in Council, liable to be dispossessed at his discretion.

III. No European, of whatever nation or description, shall purchase, rent, or occupy, directly or indirectly, any land in the provinces belonging to the Honourable the English East-India Company, without the sanction of the Governor in Council; and all persons now so holding land without having obtained such permission, or who may hereafter so purchase, rent, or occupy land, shall be liable to be dispossessed of the same at the discretion of the Governor in Council; nor shall they be entitled to any indemnification for buildings which they may have erected or on any other account.

Europeans not prohibited lending money to landholders, &c. on mortgage of the estates or leases not to be allowed to have possession of the land, or to have any concern in the collection.

IV. Europeans who are not prohibited from lending money to landholders or farmers of land, dependent Talookdars, under-farmers or Ryots, and who may make loans to them on the security or mortgage of their lands or leases, shall not be allowed, directly or indirectly, to hold possession of the lands, the usufruct or lease whereof may be mortgaged to them as security for the loan, or to make or appropriate the collections, or to have any concern or interference whatever in the management or collection of the rents or revenue of the lands.

Collector to depute an officer to measure ground which the Governor in Council may permit an European to hold.

V. When an European shall be permitted by the Governor in Council to purchase, occupy, or rent any land in the provinces belonging to the Honourable the English East-India Company, it shall be measured by an officer to be appointed by the Collector, and the expense attending the measurement shall be paid by the party purchasing, renting, or occupying the ground.

Collector to report when any European may possess themselves of land without authority.

It shall be the duty of the Collectors to report to the Governor in Council every instance that may come to their knowledge in which Europeans may, directly or indirectly, purchase, occupy, or rent any land without such authority.

Annual statement of lands held by Europeans to be sent by the Collectors to the Governor in Council.

VI. Upon the receipt of this Regulation, the Collectors are to transmit a statement, specifying the names of the Europeans possessing, renting, or occupying land, within their respective zillahs, the extent of the land, the purpose to which it is appropriated, and from what period and under what authority it has been so possessed. The Collectors are to transmit a similar statement to the Governor in Council annually, by the 1st of January.

RULE, ORDINANCE, AND REGULATION I. 1813.

A Rule, *Ordinance, and Regulation for compelling those who are able to support their infant Relations, and for subjecting the numerous Aliens who pass over to the Island of Bombay from the Marhatta Territories to certain Restrictions:* Passed *by the Right Honourable the Governor in Council of Bombay under date the fifth of May* 1813, *and registered in the Honourable the Court of the Recorder under date the twentieth day of June following.*

Preamble.

Whereas by a statute passed in the forty-seventh year of His present Majesty King George the Third, entitled "An Act for the better Govern-" ment of the Settlements of Fort Saint George and Bombay," it is enacted, that it shall be lawful for the Governor in Council to make and issue rules

for

for the good order and government of this island, subject to the previous condition of being duly registered and published in the Court of the Recorder of Bombay, and to such other conditions as are imposed by the statutes of the thirteenth, thirty-ninth, and fortieth of His present Majesty, upon the exercise of a like power at Fort William in Bengal by the Governor General in Council; and whereas it is necessary, for the sake of humanity, that means should be adopted for preventing parents and others from deserting their children or other connexions dependent on them for support, and whereas it is expedient for the good order and civil government of this island that the numerous aliens resorting thereto should be placed under certain restrictions.

Be it therefore ordained by the authority of the Honourable the Governor in Council now assembled, and in virtue of the power by the said statute conferred, that from and after the due registry and publication of this Rule, Ordinance, and Regulation in the Court of the Recorder of Bombay, the said Rule and Ordinance, consisting of the titles and articles hereinafter stated, shall have the full force of law within this island, and shall be strictly obeyed as such by all His Majesty's subjects inhabiting the same.

TITLE FIRST.

Compelling Parents and others to maintain their Families.

Parents and others to maintain their families, if able, at rates to be fixed by the Petty Sessions.

ARTICLE I. That the father, grandfather, mother, and children of impotent poor in the town and factory of Bombay, being of sufficient ability, shall relieve and maintain them, according to such rate and in such manner as by the Justices of the said town and factory of Bombay at their Petty Sessions shall be assessed and directed.

Punishment on failure.

ARTICLE II. For the punishment of those who, being able to labour yet run away from or leave their families without any provision, when the same is proved by a sufficient witness or witnesses on oath, before one or more Justices of the Peace, the persons so offending shall by the said Justices be sent to the common gaol, unless he find adequate security to be approved of by the said Justice or Justices, there to be detained till the next Petty Sessions of the Peace, where the Magistrate shall have power, on examination of the circumstances of the case, to punish the offender by fine not exceeding two hundred rupees, imprisonment in the common gaol for not less than one or more than six months, there to be kept at hard labour, or with whipping in such manner and at such times as they shall direct.

Measures to be adopted by the Justices for the subsistence of deserted families.

ARTICLE III. For maintaining families who may be deserted, any two Justices of the Peace may, on complaint of any wife or child or children that they are left without support, by their warrant empower the sheriff to seize so much of the goods and chattels, and receive so much of the annual rents and profits of the lands and tenements of such husband, father, or mother, as such two Justices shall order, or may fine them, respectively, to such extent as they may think reasonable, for or towards the bringing up and providing for the same; which warrant being confirmed at the next Petty Sessions, they the justices of such Petty Sessions may make an order for the Sheriff to dispose of such goods and chattels, by sale or otherwise, or so much of them, for the purposes aforesaid, as the court shall think fit, and to receive the rents and profits, or so much of them as shall be ordered by the sessions

sessions as aforesaid, of his or her lands and tenements, and to pay the same to the Justices issuing the said warrant, who shall pay the same, from time to time, to the Muccadum of the cast to which the said wife, child, or children shall belong, or to such other person as the said Magistrates shall deem proper to be entrusted therewith, to be applied by him in their support, the Muccadum or such other person being responsible to the said Justices for the due application thereof.

Persons charged with being the fathers of bastard children and of refusing to support the same to be committed to prison.

ARTICLE IV. If any single woman shall be delivered of a bastard child, and shall, on an examination, to be taken in writing before any one or more of the said Justices of Bombay, charge any person with being the father of such child, and shall charge such person with refusing and neglecting to support the same, it shall and may be lawful for such Justice or Justices, on an application made by her or on her behalf, to issue out his or their warrant or warrants, for the immediate apprehension of such person so charged as aforesaid, and for bringing him before such Justice or Justices; and the Justice or Justices before whom such person is brought is and are hereby authorized to commit such person to the common gaol of Bombay, unless he shall give security for the support of such child, or shall enter into a recognizance, with sufficient security, to appear at the Petty Sessions to be then next held in Bombay, to abide and perform such orders as shall there be made.

Provision to be made by the father for the support of the child at the discretion of the Petty Sessions.

ARTICLE V. If the said Justices at their Petty Sessions shall adjudge a person to be the reputed father of an illegitimate child, they shall order him to make such provision for the support of the same, either by a weekly allowance or a sum in gross, as to them shall seem meet, and further to direct that the Muccadum of the cast to which such woman belongs, or such other person as may be approved of by them, shall have power to interfere, and to compel the mother or the person having care of the child to apply the allowance in support of such child.

TITLE SECOND.

Aliens.

Aliens to register their names on their arrival.

ARTICLE I. That aliens shall, within four days after their arrival on this island, register their names and the employments which they mean to follow, with the Muccadum of their cast; and in case it shall be proved on oath to any one of the Justices of Bombay that any alien has not complied with this order, such Justice shall have power to compel him forthwith to enrol his name and employment, in the manner aforesaid, with the Muccadum of his cast, and to bind him over to appear at the next Petty Sessions: and in case it shall be proved before the Magistrate in Petty Sessions that the said alien shall not assign a satisfactory cause for having failed in the first instance to enter his name with the Muccadum, as aforesaid, then the said Magistrates in Petty Sessions shall have power to fine him to an extent not exceeding one hundred rupees, and in case he shall refuse to pay such fine, that they may, in their discretion, forthwith, by a warrant under their hands and seals, send him off the island.

Fine to be levied on failure, and eventual banishment from the island.

Idle aliens to be confined in the gaol.

ARTICLE II. When an alien shall go about from door to door, or place himself or herself in streets, highways, or passages, to beg alms in such places,

places, or if it is proved that such alien live idle without employment, and refuse to work in the employment which he professed to follow, in the entry so directed as aforesaid to be made with the Muccadum of his cast, it shall be lawful for any Justices before whom such complaint shall be made on oath to commit such offender to the common gaol of Bombay, to be detained till the next Petty Sessions of the Peace: and if the Justices at such sessions shall, on examination of the circumstances of the case, adjudge such alien to be guilty of the offences aforesaid, they shall order him to be imprisoned, for not more than six months or less than one, and kept to hard labour during such imprisonment, and during his confinement, at the discretion of the Magistrate, to be once whipped in such manner as they shall think fit; and if such alien so ordered by the said sessions to be imprisoned shall offend again, he shall, on proof thereof and on the production of the record of his former conviction, be sent off the island by the authority aforesaid.

Punishment.

ARTICLE III. Whenever an alien shall be sent off the island notice thereof shall be sent to the Muccadum of his cast, together with a description of his person, to prevent as much as possible his returning again.

Notice of aliens sent off the island to be sent to the Muccadum of the casts to which such persons belong.

ARTICLE IV. Provided always, that if any person or persons shall find him, her, or themselves aggrieved by any determination which the said Justices of the Peace shall make in their General or Petty Sessions, in any of the cases aforesaid, the said person or persons shall have liberty to appeal to the next General Quarter Sessions of the Peace to be held for the town and island of Bombay, who upon full hearing of the said appeal shall have full power finally to determine the same.

Appeal from the decision of the Petty Sessions to be made to the Quarter Sessions.

A. D. 1813. RULE, ORDINANCE, AND REGULATION II.

A RULE, *Ordinance, and Regulation, to diminish the Number of Pariar Dogs having no Owners on the Island of Bombay, and to authorize the Erection of public Pounds for Animals straying or trespassing on the public Streets or Roads of the Island, or on the Grounds of the Inhabitants thereof:* PASSED *by the Right Honourable the Governor in Council on the 8th day of September* 1813, *and registered in the Honourable the Court of the Recorder on the 21st day of March* 1814.

WHEREAS serious evils and inconveniences have arisen from the great number of dogs now on this island, the greater part of which having no owners, are allowed to infest the streets and roads at all times and seasons, often to the great risk of the lives of the inhabitants; and whereas much cause of complaint has arisen from the number of bulls, oxen, cows, buffaloes, camels, horses, asses, goats, sheep, hogs, and other cattle and animals, which wander about the public streets and roads of the island, to the great annoyance and danger of passengers, and trespass on the gardens and grounds of the inhabitants; be it therefore ordained, by the authority of the Right Honourable the Governor in Council now assembled, that from and after the due registry and publication of this Rule, Ordinance, and Regulation in the Court, of the Recorder of Bombay, the said Rule and Ordinance, consisting of the articles herein-after stated, shall have the full force of law

Preamble.

within this island, and shall be strictly obeyed as such by all His Majesty's subjects inhabiting the same.

Dogs found on public streets or roads, or without the enclosure of the house of the owner, to be killed.

ARTICLE I. It shall be lawful for any person during the months of April and May, and September and October yearly, to kill and destroy all and every dog or dogs found or being on any of the public streets or roads of the island, or without the enclosure of the house of the owner of such dog or dogs, and the Magistrates of Police are hereby severally empowered, and strictly commanded, to issue orders to all sepoys or others acting under the police, or to any other persons to be employed occasionally for that special purpose, to kill and destroy all dogs so found straying between the 15th of April and 15th of May, and the 15th of September and 15th of October, in each year as aforesaid.

Period fixed for their being killed.

Reward for their destruction to be offered by the Justices of the Peace and Police Magistrates.

ARTICLE II. His Majesty's Justices of the Peace at their Quarter Sessions, or failing them the Magistrates of Police, are hereby empowered to fix, from time to time as circumstances may require, a fee, not exceeding half a rupee, to be paid as a reward for each dog so killed during the months of April and May, and September and October, in each year, to the person killing it, on such person producing the dog so killed, or such other proof as may be pointed out by his Majesty's Justices as aforesaid, or the Magistrates of Police by any general notice or intimation, which fee shall be paid out of the Police Fund on the order of either of the Magistrates of Police.

Dogs having no owners to be killed.

ARTICLE III. His Majesty's Justices at their Quarter Sessions, or the Magistrates of Police, are also hereby authorized at any time to issue orders for killing all dogs that have no owners, and the persons killing them shall be entitled to such reward, and payable in such manner as in the case abovementioned.

Reward.

Cattle straying upon public streets, roads, &c. to be seized and sent to the public pound.

ARTICLE IV. And it is hereby further ordained, that all bulls, oxen, cows, buffaloes, camels, horses, goats, sheep, hogs, or other cattle or animals found straying upon the public streets or roads of this island, or trespassing on the ground or property of any of the inhabitants thereof, or any horses or tattoos found straying on the Esplanade, shall be liable to be seized and sent to the public pound.

As well other animals.

ARTICLE V. All cattle or other animals found straying or trespassing as aforesaid within the fort of Bombay, or within the district generally included in Bombay, extending from Colabah on the one side to the Breach and Chinchpogly on the other, shall be sent to the public pound on the Esplanade; and all such as are seized in the district of Mahim, including Warly, Sewri, and Chinchpogly, shall be sent to the public pound at Mahim.

Expense of their maintenance to be paid by the owners, from whom fees are also to be collected to a certain extent.

ARTICLE VI. That for each bull, ox, cow, buffalo, camel, horse, tattoo, or ass so seized, a fee of one rupee and a quarter, and for each goat, sheep, or hog, a fee of half a rupee, over and above the expense of feeding the same, shall be paid by the owner of such animal before the same is given back to such owner, and which said fee shall be liable to such appropriations as the Right Honourable the Governor in Council shall direct.

Owners of cattle and other animals trespassing or causing da-

ARTICLE VII. That when any bull or cow, buffalo, camel, horse, ass, goat, sheep, hog, or other animal, shall have trespassed or done damage in the garden

garden or grounds of any person or persons, it shall be competent for any one of His Majesty's Justices to entertain a complaint, if any such be made by the injured party within seven days, against the owner or owners of such animals so having trespassed on, or done mischief to the ground or premises of him, her, or them so complaining, and such Magistrate is hereby empowered to award such damages to the said complainant as he may think reasonable; and in case the owner or owners of such animal or animals, so trespassing as aforesaid, shall refuse or omit to pay, within two days, the amount of such damages to the person or persons awarded to receive the same, then and in such case it shall be competent for the said Magistrate, by warrant under his hand and seal, and which said warrant he is hereby empowered to issue to any person or persons he may think proper, to seize and openly sell, in some public spot on the island, so much property belonging to the person so refusing and omitting to pay the fine so imposed upon him or her as aforesaid, as shall be equal to pay the amount thereof, together with every reasonable expense attending the sale of such property so seized upon. But be it however provided, that no such warrant shall in any case be issued by such Magistrate before seven whole days shall have elapsed after such award as aforesaid shall have been made by him, in order that the party, if any, considering him or herself aggrieved thereby, may have the opportunity, if so disposed, of appealing to the Court of Petty Sessions (in case such appeal be preferred in writing to the said court, within the seven days herein before last-mentioned), and provided a copy of such appeal or petition be left with the said Magistrate, who after duly receiving the same shall thereupon desist from issuing such warrant. And be it further ordained, that if in those cases where such warrant shall be issued by such single Magistrate, property belonging to such offenders herein before-mentioned, sufficient to make good the fine or penalty imposed on him, her, or them, be not found, such offender or offenders shall be committed to gaol and kept to hard labour, at the discretion of the said Magistrate, for a period not exceeding two months. And be it also ordained, that in such cases where such appeal as aforesaid shall be made within the time before specified, the said Court of Petty Sessions are hereby authorized to entertain the same, and to do justice between the parties, either by dismissing the complaint or imposing on the offending party a fine not exceeding one hundred rupees, which fine is to be considered as in the nature of damages, and to be given to the party or parties complaining, in such shares or proportions as the said court may in its discretion deem meet.

mages to be prosecuted before a Justice of the Peace.

Damages how to be recovered in failure of payment within a limited time.

Appeal against the Magistrate's decision, to lie to the Court of Petty Sessions.

ARTICLE VIII. And further, if any bull, ox, cow, buffalo, camel, horse, ass, goat, sheep, or hog, seized and impounded, under and by virtue of this Rule, Ordinance, and Regulation, shall remain unclaimed for the space of fifteen days, or if any of the said animals shall be claimed, but the aforesaid fee remain unpaid for fifteen days after the animals shall have been brought into the public pound, that then and in either case such animals shall be sold on a Saturday, at four o'clock in the afternoon, on the Esplanade, near the large tank at the Bazar Gate, if such animal be in the pound on the Esplanade, or on the same day and hour in the public bazar of Mahim, if such animal be in the pound at Mahim, public notice of such intended sale being previously given by beat of battakah for three successive days; and the produce

Unclaimed cattle, &c. within a certain period to be sold, and the proceeds after deducting charges to be paid to the owners if they appear within a limited time;

produce of such sale, after paying the fee aforesaid, the expense of feeding the animal while impounded, with the expense of beating the Battakah, shall be paid by the owner of such animal; or in case no claimant shall appear within fifteen days after such sale, shall then be paid over to the public Treasury on account of the Police Fund.

otherwise to be paid into Treasury on account of the Police Fund.

A table of the value and quantity of provender for the animals impounded to be made, and copy hung up near the door of the pounds.

ARTICLE IX. The Justices of the Peace at their Quarter Sessions, or failing them the Court of Petty Sessions, shall cause to be made a table fixing the quantity of provender to be given to an animal of each class so impounded, with the price of such provender; a copy of which table shall be hung up near the door of the public pounds, and may be altered from time to time on application to the Justices according to the value of provender. And in case, upon complaint or otherwise, the person in charge of the said public pound shall be convicted, to the satisfaction of the Court of Petty Sessions, either of having defrauded the said animals impounded or any of them of their due allowance, or of otherwise misbehaving in the execution of his office, he shall be subject to a fine, not exceeding one hundred rupees, for each offence, to be imposed by the Court of Petty Sessions, and which said fine the said court is hereby authorized to impose.

The person in charge of the pound to be fined by the Petty Sessions in case of misbehaviour.

Fines to be levied on the owners of loose animals in certain cases.

ARTICLE X. And it is hereby further ordained, that in all cases where it shall appear to the Magistrates sitting in Petty Sessions, that the owner or owners of any such vagrant animals, hereinbefore particularly described, shall not have used due diligence and care in confining them, or shall have willingly or repeatedly suffered them to remain at large, or that such vagrant animals have trespassed on or damaged the ground or premises of others, it shall and may be lawful for the Court of Petty Sessions to impose, at their discretion, over and above the fee to be paid at the public pound, a fine not exceeding fifty rupees for each offence, on every person offending or transgressing in either of the cases immediately above specified, or who shall be proved to be the owner of any such vagrant cattle so trespassing as aforesaid.

How to be recovered if not duly discharged.

ARTICLE XI. And it is hereby further ordained, that if any person or persons who shall be convicted before the Magistrates in Petty Sessions of either of the offences specified in the preceding clause, or who shall be fined by the said court, under and by virtue of any power hereby given to the same, shall not immediately discharge the fine or penalty imposed on him, her, or them, the amount of such fine or penalty shall be levied by issuing process against his or her property, by warrants under the hands and seals of two or more of the Magistrates in Petty Sessions (and which warrant the said Magistrates are hereby empowered to issue) to any person they may think proper, directing him to seize, and openly sell in some public spot on the island the said animal so found trespassing, or so much property belonging to the person refusing or omitting to pay the fine or penalty so imposed upon him by the authority aforesaid, as shall be adequate to defray the amount of the said fine, and every reasonable expense which may attend the sale of such property seized upon; and if property belonging to such offenders sufficient to make good the said fine or penalty be not found, such offender or offenders shall be committed to gaol and kept to hard labour, at the discretion of the said Magistrates, for a period not exceeding two months.

Persons so offending not possessing means of discharging the fines to be imprisoned.

A. D. 1814. REGULATION I.

A Regulation *for determining the Rate of Interest on Money in the Provinces subject to the Presidency of Bombay:* Passed *by the Governor in Council on the 12th of January* 1814 *(corresponding with the 6th Poush Vud, Sumbut or Vekramajit Era,* 1870; *Salbahan,* 1735; *and the 19th Mohurrum,* 1229 *Hejry).*

Preamble.

I. It being essential to the advancement of commerce and the security of property that the rate of interest on money should be fixed and determined, the following rules have been accordingly in that respect enacted. And whereas it is also essential to guard against persons borrowing money on the mortgage and conditional sale of landed property, under a stipulation, that if the sum borrowed be not repaid (with or without interest) by a fixed period, the sale shall become absolute, which species of transfer has been usually denominated bye-bil-wuffa or kutcubbaleh; and whereas persons lending money on bye-bil-wuffa, in order to render the sale absolute, and thereby possess themselves of the landed property of the borrower, may deny the tender, or evade receiving payment of the money due to them within the period limited for the discharge of it: in such cases the proof of the tender falls on the borrower; and if he fail in the proof of it for want of legal evidence, he is liable to lose his estate; it is, therefore, necessary for the security of the borrower in such transactions, that he should have the means of establishing before a court of judicature his having tendered, or being ready to pay within the stipulated period, the amount due from him to the lender, who, if he mean to act fairly, will also derive a benefit from a rule being laid down, whereby it may be ascertained whether the borrower was willing to redeem his property by the payment of the money lent upon it, within the period agreed upon between the parties, or whether from his having omitted to perform the conditions of such redemption, the sale is become absolute, and the property included therein finally transferred to the lender: the Governor in Council has accordingly been pleased to pass certain rules for the better regulating such transactions.

Twelve per cent. per annum to be the highest rate of interest.

II. The Courts of Adawlut shall not decree interest on money lent or on debts above the rate of twelve per cent. per annum.

If a lower rate be stipulated such rate only to be paid.

III. Where a lower rate of interest may have been stipulated between parties than twelve per cent. per annum, the rate so stipulated, and no other, shall be paid.

Where the interest may exceed the principal, the excess not to be decreed.

IV. Where the interest on debts or on money lent may have accumulated so as to exceed the principal money, the Courts of Adawlut shall not decree a greater sum for interest than the amount of such principal money.

Courts not to decree compound interest on intermediate adjustment of accounts.

Proviso.

V. The Courts of Adawlut shall not decree to creditors compound interest arising from intermediate adjustments of accounts; but this rule shall not extend to cases where accounts between the parties having been adjusted, the former bonds or agreements may have been cancelled, and new bonds or agreements taken for the aggregate amount of the principal, and the legal interest remaining due upon the adjustment, consolidated into principal money.

Bonds given after twelve months subsequent to this Regulation, bearing more than the legal interest, not recoverable in the Courts.

VI. Bonds or instruments which may appear to have been given after the expiration of twelve months subsequently to the issue of this Regulation, for the security and evidence of debts, and bearing a higher rate of interest than twelve per centum per annum, shall not be recoverable in the Courts of Adawlut.

If given prior to this Regulation, the legal interest only to be decreed.

VII. Where suits may be prosecuted on bonds or instruments given prior to the issue of this Regulation, the Courts of Adawlut shall not decree the adjustment of such debts at a higher rate of interest than twelve per centum per annum.

How the courts are to act in cases of mortgages of real property, where the mortgagee has had the usufruct both before and subsequently to the issue of this Regulation.

VIII. In cases of mortgages of real property, in which the mortgagee may have had the usufruct of the mortgaged property, whether he shall have held it in his own possession or not, the usufruct shall be allowed to the mortgagee in lieu of interest, agreeably to the custom of the country; provided it shall have been so stipulated between the parties, and provided such agreement may have been made prior to the issue of this Regulation. In cases of such agreements bearing date subsequently to the issue of this Regulation, the same interest only shall be allowed on such mortgage bonds as is allowed on other bonds granted on or subsequently to such date; and all such mortgages shall be considered to be virtually and in effect cancelled and redeemed, whenever the principal sum of money, with the simple interest due upon it, may have been recovered from the usufruct of the mortgaged property, or otherwise liquidated by the mortgager.

Rule for the adjustment of accounts in cases of mortgages above specified.

IX. For the adjustment of accounts in the cases of mortgages above specified, where the mortgagee may have had the usufruct of the mortgaged property, he shall deliver into court the accounts of his gross receipts from the property mortgaged, and also of his expenditures for the management or preservation of it. The mortgagee shall swear, or (if he be of the description of persons whom the courts are empowered to exempt from taking oaths) shall subscribe a solemn declaration, that the accounts delivered are true and authentic. The mortgager shall have power to question the accounts, and to state objections on evidence; the Courts of Adawlut shall then adjust the accounts accordingly.

This Regulation not to affect respondentia loans or policies of insurances.

X. Nothing in this Regulation shall be construed to extend to respondentia loans or policies of insurance, the interest on which shall be regulated by the terms of the deeds, and the laws and usages which prevail respecting such transactions.

Persons who have borrowed money on a conditional sale of land, and who may be desirous of redeeming the land by payment of the money lent upon it, how to proceed for this purpose. May within the stipulated period either tender and pay the amount due to the lender, or deposit the same in the local Court of Adawlut.

XI. In all instances of the loan of money on bye-bil-wuffa, or on the conditional sale of landed property, however denominated, as explained in the preamble to this Regulation, the borrower, who may be desirous to redeem his land by the payment of the money lent upon it, with any interest due thereon, within the stipulated period, is at liberty, on or before the date stipulated, either to tender and pay to the lender the amount due to him, taking such precautions as he may think necessary to establish such tender and payment if evaded or denied, or without any tender to the lender, to deposit the amount due to him on, or before the stipulated date, in the Court of Adawlut of the zillah in which the land may be situated; and the Judge receiving the same shall furnish the party with a written receipt for the amount, specifying on what date and for what purpose such

Receipt to be given by the Judge for such deposit.

deposit

deposit may have been made. He shall also, at the same time, cause a written notice of such deposit to be delivered to the lender; and on the application of the latter, and his surrender of the conditional bill of sale, or shewing satisfactory cause why it cannot be surrendered, shall pay him the amount deposited, and take his acknowledgment, to remain among the records of the court. That there may be no doubt to what amount the deposit in question is to be made, it is required to be as follows. When the lender has not obtained possession of the lands, the deposit is to be the principal sum lent, with the stipulated interest thereon, not exceeding the legal rate of twelve per cent. per annum; or if interest be payable and no rate has been stipulated, with interest at the established rate of twelve per cent.; but if the lender has held possession of the land, the principal sum borrowed only need be deposited, leaving the interest to be settled on an adjustment of the lender's receipts and disbursements during the period he has been in possession. In either case, a deposit made as above required, shall be considered to preserve to the borrower his full right of redemption: and if the land be in the possession of the lender, shall entitle him to demand the immediate recovery thereof, subject to the adjustment of accounts specified in the following section. Provided, however, that if the borrower in any case shall deposit a less sum than above required, alleging that the sum so deposited is the total amount due to the lender for principal and interest, after deducting the proceeds of the lands in his possession, or otherwise, such deposit shall be received, and notice given to the lender as above directed: and if the amount so deposited be admitted by the lender, or be established, on investigation, to be the total amount due to him, the right of redemption shall be considered to have been fully preserved to the borrower, who will not, however, in such cases, be entitled to the recovery of his lands, until it be admitted or established that he has paid the full amount due from him.

Notice to be given to the lender, and payment to be made to him, under restrictions.

Specification of the deposit required.

Rights of the borrower preserved by making the required deposit.

Proviso with respect to deposits less than above required, if alleged to be the total amount due.

Such deposits to be also received; and to preserve the borrower's rights, if admitted or established to be the total amount due.

XII. In all instances where the lender on a bye-bil-wuffa, or similar conditional sale, may have been put in possession of the land, and an adjustment of accounts may consequently become necessary between him and the borrower, the lender is to account to the borrower for the proceeds of the estate whilst in his possession, on the principles prescribed with regard to mortgages and interest in this Regulation, so far as the same may be applicable to the nature of the case. But such part of Section VIII. as directs that the mortgages therein referred to are to be considered as cancelled and redeemed, whenever the principal sum, with the simple interest due upon it, shall have been realized from the usufruct of the mortgaged property, or otherwise liquidated by the mortgager, shall not be held applicable to the conditional sales, under the denomination of bye-bil-wuffa.

When the lender has possessed the land, and an adjustment of accounts may be necessary, he is to account for the proceeds of the estate on the principles prescribed in this Regulation.

Exception.

XIII. A teep for the repayment of money lent on the conditional sales of bye-bil-wuffa shall not be considered a legal tender, unless accepted as such by the lender, the proof of which acceptance shall be the lender's giving up the bill of sale, or giving a written acknowledgment that he has received back the money lent by him.

Teep not to be considered a legal tender in cases referred to, unless accepted by the lender.

Such acceptance how to be proved.

XIV. Nothing in this Regulation being intended to alter the terms of contract settled between the parties in the transactions to which it refers (illegal interest excepted), the several provisions in it are to be construed accordingly;

Nothing in this Regulation to alter the contract between the parties;

and all questions of right to be regularly determined by the civil courts.

accordingly; and any question of right between the parties is to be regularly brought before and determined by the courts of civil justice.

Nothing in this Regulation to interfere with loans made in grain.

XV. Nor shall any thing in this Regulation which is limited to interest on money interfere with the established practice of the country, founded on the Hindoo law, in regard to loans made in grain; which practice is hereby allowed to continue, with the provision prescribed by the Hindoo law, whereby in no case is the accumulated interest allowed to be more than treble the value of the grain lent.

Interest on loans in grain not to exceed treble the value of the grain lent.

A.D. 1814. REGULATION II.

A REGULATION *for establishing the Office of Tullaties, or Village Accountants, and defining the Duties of the said Office, in the British Territories under the Presidency of Bombay:* PASSED *by the Right Honourable the Governor in Council of Bombay on the 12th January* 1814 *(corresponding with the 6th Poush Vud, Sumbut or Vekramajit Era,* 1870; *Salbahan,* 1735; *and the 19th Mohurrum,* 1229 *Hejry).*

Preamble.

I. WHEREAS it is expedient, for the purpose of obtaining a correct knowledge of the resources of districts, that the Tullaties, or village accountants, should be subject to the immediate authority of the Collector, the Right Honourable the Governor in Council has been pleased to enact the following rules.

Tullaties placed under the immediate authority of the Collectors.

II. All Tullaties of villages shall be under the immediate authority of the Collectors and their subordinate officers, and Collectors and their subordinate officers shall have full power to require the attendance of Tullaties when and where their services are wanted.

Subject to dismission from office by Government.

III. Tullaties shall be liable to dismission from office by the Governor in Council for incapacity, disobedience, or neglect of the orders of the Collectors, or for falsifying or mutilating accounts.

Tullaties to be appointed by Government on a recommendation from the Collectors.

IV. Where there may not be Tullaties established, Collectors shall report the deficiency to the Governor in Council, and the names of the persons whom they would recommend to the office, and to whom they are authorized to entrust the execution of the duties of the office *pro tempore.*

Provision for the discharge of the duties on any Tullatie abandoning his office.

Where the Tullatie may have abandoned the duties of his office for other pursuits, the Collector shall call upon him to return and reassume the duties of his office within one month; and in the event of his failing so to do, shall report the failure to the Governor in Council, with the name of the person whom he would recommend to succeed to the office, and wait the orders of the Governor in Council.

Records to be kept by the Tullaties specified.

V. *First.* Tullaties duly appointed to their offices shall keep complete registers (according to Form No. 1 in the Appendix) of the extent of the lands in each village, specifying the boundaries and land-marks, and shewing their appropriation, *viz.* arable, cultivated and uncultivated, pasture, occupied

pied for houses, gardens, rivers, tanks, springs or wells, waste, in hills, jungle, or rocks.

Second. A further register shall be kept (according to Form No. 2), specifying the extent and description of land in each village exempt from paying revenue to Government, either wholly or partly, with the purposes to which such exempted lands are appropriated, and the names of the holders.

Third. The Tullaties shall keep a record (according to Form No. 3) of all grants or sunnuds by which lands are held exempt from revenue, the purposes for which such lands were granted, the condition of the grant, and the names of the holders.

Fourth. Tullaties shall report to the Collector the death of all incumbents on lands exempt from paying revenue to Government.

Fifth. Tullaties shall be present at the estimation of the crops and at the measuring and dividing of the produce.

Sixth. Tullaties shall keep true accounts (according to Form No. 4) of the gross produce of all lands, whether paying revenue to Government or not, where the produce of such land may be shared between the Government and the cultivators. Tullaties shall also enter in their registers the quantity of grain so divided, with the rates of division.

Seventh. Tullaties shall also keep registers (according to Form No. 5) of the rates, and amount of all fees, soocrees, and cherdas, appropriated to the officers and servants of the pergunnah and of the village, specifying whether such fees or soocrees and cherdas are payable from the gross produce of the entire lands from the Government or landholder's share, or from the Ryot's share.

Eighth. Where lands may be liable to pay money rents, Tullaties shall keep registers (according to form No. 6) of the extent of the land cultivated, and of the rates and amount of the money-rents.

Ninth. Tullaties shall keep registers (according to Form No. 7) of lands cultivated in gardens, and the rates and amount of the division of the produce of such lands, when the produce may be divided in kind.

Tenth. Tullaties shall keep registers (according to Form No. 8) of timber and fruit trees, and likewise trees yielding spirituous liquors, ditinguishing such as exclusively belong to the Government from those which are the property of individuals, discriminating such as are liable only to a division of produce, and the rate of such division.

Eleventh. Tullaties shall keep registers (according to Form No. 9) of the quit-rent and ready-money payments collected in each village.

Twelfth. Tullaties shall keep monthly registers (according to Form No. 10) of the price of all kinds of grain, with the quantity and description imported or exported.

Thirteenth. Tullaties shall keep registers (according to Form No. 11) of strangers passing or repassing, as reported to them by the village-watchers, and such registers shall at all times be open to the inspection of the officers of police.

Fourteenth. Tullaties shall keep the accounts, which are to exhibit the actual revenue and charges of the village, and the records of their offices

entire, and shall not carry such accounts or records out of their respective villages, unless required to do so by competent authority. Tullaties secreting the accounts or records of their offices, or transporting them beyond their respective villages, except by due authority, shall be liable to fine and imprisonment, until the accounts and records may be produced; but landholders and farmers of land shall at all times have free access to the accounts and records, with power to take copies of them.

To be inspected by the Collector and Adawlut when required.

VI. Tullaties shall produce, whenever required by the Collector, or by the Adawlut of the zillah, or by the landholder or farmer of the lands, the records and accounts relating to the lands, produce, revenue, and charges of their villages respectively.

Accounts of the Tullaties to be rendered on oath. Courts empowered to take the depositions of Tullaties by commission when at a distance.

VII. Tullaties shall be compellable to swear to the truth of such accounts or information as they may furnish before a court of judicature; and it shall be competent for the court to grant a commission for the purpose of receiving the depositions of such Tullaties as it may be necessary to examine at a distance from the court, provided that the said commission shall contain the name of each Tullatie to be examined on oath.

Tullaties rendering false accounts to be tried for perjury.

VIII. Where Tullaties may deliver false, or fabricated, or mutilated accounts or information, after having been duly sworn, the Judge of the Adawlut shall commit such Tullaties to be tried for the crime of perjury before the Court of Circuit.

Landholders, or other persons concerned therein, to be also tried for perjury.

IX. Landholders or other persons associating themselves with Tullaties for the purpose of producing or procuring false, or fabricated, or mutilated accounts or information, shall also be committed by the Judge of the Adawlut for trial before the Court of Circuit for subornation of perjury.

The accounts and records to be kept in the dialect of the village.

X. The accounts and records of the Tullaties are to be kept in the dialect of the village, whether Mahratta, Hindoostanee or Guzerattee, and in the form of writing most commonly observed by those accustomed to keeping records in those languages.

Tullaties not to be appointed exclusively to villages yielding less than 1,000 rupees.

Provision for the said villages.

XI. As villages yielding less than a thousand rupees annual revenue do not require the attention of a Tullatie exclusively, the charge of two or more of them is committed to the same officer where the situation suits; or the accounts of the smaller village are to be given in charge to the Tullatie employed in that most contiguous, without particular reference to its extent.

Rates of remuneration to the Tullaties.

XII. The following is to be the rate of remuneration for the Tullaties:

On villages, the revenues of which are more than one thousand and do not exceed two thousand, five per cent. on one thousand, as above prescribed, and four per cent. on the remainder.

On villages, the revenues of which are more than two thousand rupees and do not exceed three thousand rupees, remuneration to be made on two thousand as above prescribed, and at the rate of three per cent. for the remainder.

On

On villages, the revenues of which are more than three thousand rupees and do not exceed four thousand rupees, remuneration to be given on three thousand as above prescribed, and two per cent. on the remainder.

On villages, the revenues of which are more than four thousand rupees, remuneration to be given on four thousand as above prescribed, and one per cent. on the remainder.

XIII. The following is a statement in figures of the above:

	Rupees		Rupees
On a village yielding revenue ...	1,000,	the Tullaties to receive	50
Ditto	2,000	.....	90
Ditto	3,000	.....	120
Ditto	4,000	.....	140
Ditto	5,000	.....	150
Ditto	10,000	.....	200
Ditto	15,000	.....	250
Ditto	20,000	.....	300

Tullaties to be rewarded by appointing them to situations of higher emolument.

XIV. Under this progressive mode of remuneration, it will be the duty of the Collector to reward the services of the Tullaties by appointing them, as vacancies may occur, to situations of greater trust and higher emolument, according to their respective merits.

Assistant Tullatie where to be appointed, and how remunerated.

XV. When the duties of the situation are arduous from the extent of the charge, an assistant Tullatie is to be appointed, and remunerated out of the amount assigned to his principal.

Villages in which Tullaties are to reside.

XVI. The Tullaties are to reside permanently in all villages the revenues of which exceed two thousand rupees per annum.

APPENDIX.

No. 1.

Register exhibiting the Extent of the Lands in the Village of ....., in the Pergunnah of ....., specifying the Boundaries and Land-marks, and shewing their appropriation, viz. *arable, cultivated and uncultivated Pasture, occupied by Houses, Gardens, Rivers, Springs, or Wells, Waste, in Hills, Jungul, or Rocks.*

Arable.					Occupied by Houses.	Rivers.	Tanks.	Well or Springs.	Waste.				Grand Total.	Village Boundaries and Remarks.
Cultivated.	Uncultivated.	Gardens.	Established Village Pasture.	Total Beegas.					Jungul.	In Hill producing Pasture.	Rocks.	Total.		

APPENDIX.

No. 2.

Statement of the Extent and Description of the Lands in the Village of ....., in the Pergunnah of....., exempt either wholly or partly from paying Revenue, with the Purposes to which they are appropriated and Names of the Holders.

Lands wholly exempt from Revenue.						Lands partly exempt from Revenue.						
Names of the Holders.	Purpose to which appropriated.	Description of Land.	Number of Beegas.	Rated Value per Beega.	Total appropriated to purpose stated in 2d Column.	Names of the Holders.	Purpose to which appropriated.	Description of Land.	Number of Beegas.	Rated Value per Beega.	Rate of Assessment.	Total of exemption appropriated to purpose stated in 2d Column.

No. 3.

Record of Grants or Sunnuds by which Lands are held exempt from Revenue in the Village of ....., in the Pergunnah of ....., with the Purposes for which such Lands were granted, the Condition of the Grant, and the Names of the Holders.

Names of Holders.	Purpose for which Granted.	Condition of Grants.	Quantity of Lands.	Rated Value per Beega.	Total Amount Value of Grants

No. 4.

Statement of the gross Produce of the Lands of the Village of ....., in the Pergunnah of....., and of the Share accruing to Government from those Lands paying Revenue in Kind.

Names of Fields.	Cultivators' Names.	Tulput or Sircar's Lands.										Sircar's Share.				Remarks.
		Number of Beegas.	Wheat.	Jowaree.	Badjree.	Cotton.	Toor.	Mutt.	Moong.	Barley.	Total of gross Produce.	Sundry Items deducted.	Balance deducting Items.	Rate of Division.	Amount of Sircar's Share. Mds.	Total of Sircar's Share including Items deducted from gross Produce.	
		Wanta, or Gracia's Lands.														
		Weizzefa, or Mohummedan Grants.														

APPENDIX.

No. 5.

Statement of the Rates and Amount of all Fees, Soocries, and Cherdas, existing in the Village of ....., in the Pergunnah of ....., appropriated to the Officers and Servants of the Pergunnahs and of the Village; specifying whether they are payable from the gross Produce of the entire Lands, from the Government or Landholder's Share, or from the Ryot's Share.

Payable from the Government Share,
Pergunnah Officers,
Purbhoodass Dessoy,
Chohundass Moozoodar,
Village Officers, &c.

No. 6.

Statement of the Land in the Village of ....., in the Pergunnah of ....., paying Money Rents, and of the Rates and Amount of the same.

Names of Fields.	Cultivators' Names.	Tulput.					Remarks.
		Beega.	Crop.	Description of Lands.	Rate per Beega.	Amount.	
		Wanta.					
		Weizzefa.					

No. 7.

Register of Lands cultivated in Garden, with the Rates and Amount of the Division of the Produce of such Lands, or their Money Payments, in the Village of ....., in the Pergunnah of .....

Names of Gardens.	Names of Cultivators.	Number of Beegas.	Crop.	Quantity.	Sircars' Proportion.	Value of Sircars' Share.	Rate per Beega.	Amount.	Remarks.
				Mds.		Rs. Q. Rs.	Rs. Q. Rs.	Rs. Q. Rs.	

APPENDIX.

No. 8.

Register of Timber and Fruit Trees in the Village of ....., in the Pergunnah of ....., distinguishing those that exclusively belong to Government and those that are the Property of Individuals, and discriminating such as are liable to a Division of the Produce and the Rate of Division.

Names and Description of Trees.	The Property of Government.				The Property of Individuals.				Total of Trees in the Village.
	Number the Produce of which are not liable to Division.	Number the Produce of which are liable to Division.	Total Number of Trees.	Rate of Division.	Number the Produce of which are not liable to Division.	Number the Produce of which are liable to Division.	Total Number of Trees.	Rate of Division.	

No. 9.

Register of Quit Rent and Ready-Money Payments collected in the Village of ....., in the Pergunnah of .....

Names of the Parties.	Quit Rent.		Verrah of Money Payments generally.										Total of Verrah.	Total of Quit-Rent and Verrahs.
	Quantity of Land.	Amount.	Plough Verrah.	Ghee Verrah.	Mussuary.	Kote Verrah.	Choola Verrah.	Poonja Verrah.	Bhat.	Rhijah Verrah.	Mull Verrah.	Chettyamon, &c.		
		R. Q. R.	R. Q. R.	R. Q. R.	R. Q. R.	R. Q. R.	R. Q. R.	R. Q. R.	R. Q. R.	R. Q. R.	R. Q. R.	R. Q. R.	R. Q. R.	R. Q. R.

No. 10.

Register of the Prices of Grain in the Village of ....., in the Pergunnah of ....., and of the Quantity exported and imported for the Month.

Month.	Number of Seers per Rupee.	Badjree.		Rice.		Wheat.		Gram.		Barley.		Mutt.	
		Imported.	Exported.	Imported.	Exported.	Imported.	Exported.	Imported.	Exported.	Imported.	Exported.	Imported.	Exported.
Date.		Mds.	Mds.	Mds.	Mds.	Mds.	Mds.	Mds.	Mds.	Mds.	Mds.	Mds.	Mds.

APPENDIX.

No. 11.

Register of Strangers passing through the Village of ....., in the Pergunnah of .....

Date.	Names of Strangers.	Cast.	From or of what place.	Where proceeding.	Professed object.	Remarks.

A. D. 1814. REGULATION III.

A Regulation *for trying the Validity of the Titles of Persons holding, or claiming to hold, Lands exempted from the Payment of Revenue under Grants not being Badshahie, or Royal Grants; to amend and explain the existing Limitation of Time for the Cognizance of Suits in the Civil Courts; and for determining the Amount of the annual Assessment to be imposed on the Lands so held, which may be adjudged to be, or may become liable to the Payment of public Revenue, in the British Territories subject to the Presidency of Bombay:* Passed *by the Governor in Council on the 12th of January* 1814 *(corresponding with the 6th Poush Vud, Sumbut or Vekramajit Era,* 1870; *Salbahan,* 1735; *and the 19th Mohurrum,* 1229 *Hejry).*

Preamble.

I. Whereas the ruling power of the provinces now subject to the Government of Bombay has, in conformity to the ancient usages of the country, reserved to itself, and has exercised the actual proprietary right of lands of every description; and whereas, consistently with that principle, all alienations of land, except by the consent and authority of the ruling power, are violations of that right; but whereas considerable portions of lands have been alienated by the unauthorized encroachments of the present possessors, by the clandestine collusion of local officers and by other fraudulent means; it is expedient that rules should be enacted for the better ascertainment of the titles of persons holding or claiming to hold lands exempted from the payment of revenue to Government, under grants not being badshahie or royal; that the existing limitation of time for cognizance of suits in the civil courts should be amended and explained, and that the assessment on such lands as may become liable to pay revenue to Government should be fixed, wherefore the following rules are enacted for that purpose.

All grants for holding lands exempt from the payment of revenue, made previously to the following dates, to be valid.

II. All grants for holding lands exempt from the payment of revenue, in the islands of Salsette and Caranja, which shall have been made by competent

At Salsette and Ca-

ranja previously to the 1st December 1774.

At Surat previously to the 13th May 1800.

In the Chowrassy and Chickly pergunnahs previously to the 15th March 1802.

In the territories ceded by the Guicawar previously to the 5th June 1803.

In the territories ceded by the Peishwa previously to the 31st December 1802.

At Broach previously to the 29th August 1803.

tent authority, previously to the 1st December A. D. 1774, and all such grants as may have been made in the territories ceded by the Nawab of Surat previously to the 13th of May 1800, and all such grants as may have been made previously to the 15th of March 1802 in the pergunnahs of Chourassy and Chickly, granted as a free gift by the Guicawar to the Honourable Company, and all such grants as may have been made previously to the 5th of June 1803 in the territories ceded by the Guicawar, and all such grants as may have been made previously to the 31st of December 1802 in the territories ceded by the Peishwa under the treaty of Bassien, and all such grants as may have been made previously to the 29th of August 1803 in the district of Broach, of which the Company acquired possession on that day by conquest, shall be valid, and all persons holding lands exempt from the payment of public revenue under grants made by competent authority previously to the several dates herein-before specified, shall continue to hold such lands without let or molestation, provided that such lands may not have escheated to the state, or may not have been resumed and assessed for the public revenue since the period of those dates respectively.

Doubts as to the competence of an officer to issue grants for exempted lands, or as to the authority of an officer to resume and assess such lands, to be determined by the Governor in Council only.

III. Where doubts may arise with respect either to the competency of a public officer to issue grants for exempted lands, or with regard to the authority of the public officer to resume and assess exempted lands in cases to be tried under this Regulation, the same shall be determined by the decision of the Governor in Council only, and the said decision produced in the courts of judicature shall regulate the judgment of such court.

Where lands have paid revenue for twelve years, claims to exemption therefrom to be null and void.

IV. Where the lands of persons claiming to be exempted from the payment of revenue under authentic titles may have paid revenue, notwithstanding such titles, for a period of twelve years antecedently to such claims, the said lands shall continue to pay the public revenue in the same manner as if no such titles existed, and the said titles shall be null and void.

Limitation of twelve years for commencement of civil suits prescribed by existing Regulations not applicable to any public claims instituted on the part of Government by persons duly authorized.

V. *First.* The limitation of twelve years for the commencement of civil suits, under certain provisions and exceptions, which has been prescribed by Section XIII., Regulation III. 1799, and Section XIII., Regulation I. 1800, shall not be considered applicable to any suits for the recovery of the public revenue, or for any public right or claim whatever, which may be instituted by or on behalf of Government, with the sanction of the Governor in Council, or by directions of any public officer or officers who may be duly authorized to prosecute the same on the part of Government.

All claims on the part of Government, for the cognizance of which no special rule may be in force, declared cognizable under the Regulations, if duly preferred within sixty years from the origin of the cause of action.

Second. All claims on the part of Government, whether for the assessment of land held exempt from the public revenue without legal and sufficient titles to such exemption, or for the recovery of arrears of the public assessment, or for any other public rights whatever (the judicial cognizance of which may not have been otherwise limited by some special rule or provision in force), shall be heard, tried, and determined in the several courts of civil justice to which the cognizance thereof may properly belong, under the general regulations which have been or may be hereafter enacted, if the same be regularly and duly preferred at any time within the period of sixty years from and after the origin of the cause of action: provided, that such cause of

Provided the cause of action shall not have

action

action shall not have originated prior to the dates inserted in the second section of this Regulation.

arisen prior to the periods already specified.

VI. *First.* Nor shall the limitation of twelve years, fixed by Section XIII., Regulation III. 1799, and Section XIII., Regulation I. 1800, be considered applicable to any private claims of right to lands, houses, or other permanent immoveable property, if the person or persons in possession of such property, when the claim of right thereto may be preferred in a competent court of judicature, shall have acquired possession thereof by violence, fraud, or by any other unjust or dishonest means whatever; or if such property shall have been so acquired by any other person or persons from whom the actual occupants may have derived his or their title, and shall not have been subsequently held under a just and honest title (such as inheritance, purchase, fair donation, or any other fair title, believed to have conveyed a right of possession and property), during a period of twelve years antecedent to the time of preferring a claim of right thereto in a competent court: provided that such violent, fraudulent, unjust, or dishonest acquisition be established to the satisfaction of the court in which the claim may be preferred, or if the suit be appealable, to the satisfaction of the proper Court of Appeal.

Limitation of twelve years also declared not applicable to private claim of right to immoveable property, if the person in possession shall have acquired possession by violence, fraud, or other unjust or dishonest means.

Or if the person from whom the actual occupant derived his title shall have acquired possession by such means, and the property may not have been subsequently held under a fair title believed to convey right for twelve years.

Provided that such violent, fraudulent, unjust, or dishonest acquisition be established.

Second. In all such cases (*viz.* when the original cause of action may have arisen more than twelve years before the institution of the suit, and the claim may not be cognizable under the exceptions and provisions contained in the Regulations and sections above cited, but may be nevertheless cognizable under the provision made by the preceding clause, from the defendants having acquired possession of the claimed property by violence, fraud, or other unjust and dishonest means, or from the property after being so acquired by any other person not having been subsequently held by the present occupant and his predecessors under a just and honest title during the prescribed period of twelve years, the plaintiff shall set forth the same distinctly, either in his petition of plaint or in his replication), the court, after taking the answer and rejoinder of the defendant, shall, if the alleged unjust and dishonest acquisition be denied by the defendant, examine any evidence that may be adduced by the plaintiff in proof of his allegation, as well as any evidence that may be brought by the defendant to prove his just and honest acquisition of the property claimed, or the just and honest possession thereof by himself and his predecessors during more than twelve years, after which the court shall determine whether the suit in question be cognizable under the present rules and section or otherwise; and if such determination be in favour of the plaintiff, or in appealed cases, if determination for the cognizance of the suit be passed by the Court of Appeal, the merits of the plaintiff's claim of right shall be heard, tried, and determined, notwithstanding the lapse of time, in like manner as if the claim had been regularly preferred within twelve years after the origin of the cause of action.

Mode of proceeding to be observed in the cases provided for by the preceding clause.

Plaintiff to set forth the circumstances of unjust or dishonest acquisition in his plaint or replication.

Evidence to be taken from both parties if the allegation be denied by the defendant.

Determination to be passed by the original court; and by the Court of Appeal, in appealed cases.

And claim of right, if declared cognizable, to be tried and determined as if preferred within twelve years after the origin of the cause of action.

Third. Provided that nothing in the preceding clause of the section, or in any part of the existing Regulations, shall be held to authorize the cognizance of any suit whatever in any court of justice, if the cause of action shall have arisen sixty years before the institution of such suit: nor shall any plea on the part of the plaintiff for the non-prosecution of his claim of right during a period of sixty years after the origin of his alleged cause of action, nor any original defect of title on the part of the possessor of the property claimed

No suit whatever to be held cognizable in any court of justice, if the cause of action shall have arisen sixty years before the institution of it.

claimed after the lapse of such period, be deemed a sufficient ground for taking judicial cognizance of any suit so preferred. Moreover, although the property claimed may have been acquired by an insufficient title within the period of sixty years, hereby fixed as the utmost limit for the cognizance of any claims in the established courts of justice, if the property so acquired shall have descended by inheritance to the person in possession when the claim thereto may be preferred after a lapse of twelve years, or if such person shall have obtained just and honest possession thereof by purchase, fair donation, or by any other title believed to be just and valid, and not appearing to be in any respect collusive for the purpose of depriving the plaintiff of his right, and either such occupant himself, or any other person in his behalf, or from whom the property may have been obtained under any of the titles aforesaid, or the whole in succession, shall have held quiet and unmolested possession, under a title believed to be just and valid, during a period of twelve years antecedent to the time of a claim thereto being preferred in a competent court, the provisions made by clauses first and second of this section shall not be considered applicable to any private claims to property so circumstanced, which are therefore to be deemed inadmissible, as heretofore, after twelve years from the origin of the cause of action, unless the same be cognizable under the exceptions and provisions already in force.

Clauses first and second of this section further declared inapplicable to any private claims to property acquired by an insufficient title within sixty years, if held by the actual occupant, or in his behalf, or by the persons from whom he may have obtained it without molestation, and under a title believed to be just and valid, during twelve years antecedent to the institution of the suit.

Provisions already in force, as stated in clause second of this section, applicable to all such cases.

Fourth. Provided further, that no length of time shall be considered to establish a prescriptive right of property, or to bar the cognizance of a suit for the recovery of property, in cases of mortgage or deposit, wherein the occupant of the land or other property may have acquired or held possession thereof as mortgagee or depositary only, without any proprietary right; nor in any other case whatever, wherein the possession of the actual occupant, or of those from whom his occupancy may have been derived, shall not have been under a title *bonâ fide* believed to have conveyed a right of property to the possessor.

Further provisions for cases of mortgage and deposit. No length of time to bar the cognizance of suits for the recovery of property in such cases.

Nor in any case wherein the possession shall not have been under a title believed to have conveyed a right of property to the possessor.

VII. Exempted lands held under life tenures shall be resumable by Collectors from and after the death of such life-tenants; and persons claiming exempted lands on expired life-grants shall be nonsuited with full costs.

Life tenures resumable after the death of the incumbent.

VIII. Where the grants for exempted lands may expire or be resumed, such lands shall be liable to be assessed for public revenue, in the same manner as other similar lands paying revenue in the other districts of the zillah.

How the assessment of exempted lands, where the grants may expire or be resumed, is to be regulated.

IX. Persons holding exempted lands under grants of any description shall not be liable to be ejected; except by the decree of a court of judicature.

Persons holding exempted lands not liable after the land revenue has been permanently fixed to ejectment; except by the decree of a court of judicature.

X. It shall be competent for Collectors to demand from persons holding exempted lands the production of the sunnuds and deeds by which they hold; and such persons shall produce their sunnuds and deeds, and deliver them to Collectors, on sufficient receipts to be signed by the said Collectors; persons refusing or delaying unreasonably to comply with the demands of Collectors for the production of their sunnuds, shall be liable to pay such fine as the Adawlut of the zillah may adjudge; and for the second, and every subsequent offence, such persons shall be liable to fine and imprisonment.

Power given to Collectors to require the production of grants for exempted lands.

Penalty in cases of refusal.

XI.

XI. But it shall not be competent for Collectors to institute suits in the courts of judicature for the recovery of exempted lands, except by the permission of the Governor in Council obtained in writing for that purpose.

Collectors not to institute suits for the recovery of exempted lands without authority.

XII. Where Collectors may be duly authorized to institute suits for the recovery of exempted lands, and the holders of such lands may persist in refusing to produce their sunnuds, or deny having any sunnuds, it shall be competent to Collectors in such cases to attach the said lands, and to proceed against the holders of the said lands, in like manner as for the recovery of arrears of revenue.

Collectors how to proceed when provided with such authority, and the holders of exempted lands refuse to produce their sunnuds.

XIII. Collectors shall receive, for the trouble of prosecuting the holders of lands under invalid titles, a compensation equal to twenty-five per cent. on the amount of the annual jummah of redeemed lands, which may be recovered by the decree of a court.

Collectors how to be compensated for the trouble of prosecuting the holders of lands;

XIV. Collectors prosecuting to a final decision shall receive the compensation. Collectors instituting suits for the recovery of alienated lands, but leaving the zillahs before final decisions may be passed, shall not be entitled to such compensation.

and in what particular cases.

XV. Where grants or sunnuds may be produced for lands to be held exempt from the payment of public revenue being forged or counterfeited, or where the name of the original grantee may be forged and another name substituted, or where a name not in the original grant or sunnud may be inserted, or where the denomination of the tenure in the original grant or sunnud may be erased or altered, or where the date of the grant or sunnud may be changed or antedated, such grants and sunnuds shall be null and void, as far as may relate to the exemption of lands from the payment of revenue, and the officers of Government shall obtain decrees for the recovery of such lands, together with double costs of suit.

Penalty in cases of forged, counterfeited, or altered grants being produced.

XVI. Persons practising frauds for the purpose of holding lands exempt from the payment of revenue, shall be committed or held to bail (according to the circumstances of the case) to take their trial for criminal offences before the Provincial Court of Circuit.

Persons practising such frauds to be criminally prosecuted.

XVII. Where lands held under imperfect titles may be recovered by the officers of Government, an assessment of the land revenue shall be fixed in such manner as if they had never been exempted, and shall thenceforward be rated in the registers of landed property at the full amount of the public revenue so assessed upon them.

How the assessment of exempted lands recovered by the officers of Government shall be fixed.

XVIII. A register shall be kept in each zillah of the lands held exempt from the payment of revenue previously to the dates herein-before specified, and such registers shall be corrected and renewed once in every five years. The registers shall specify the denomination of each grant or sunnud, the names of the original grantors or grantees, the names of the present possessors, with the relation they bear to the original grantees, the dates of the sunnuds, the names of the villages comprized in the grant with the extent of land specified in the local land measure, and the names of the pergunnahs in which the lands may be situated. Such Registers shall be denominated

All lands exempted from the payment of revenue to be registered.

What the register is to specify,

and what it is to be denominated.

" Registers

" Registers of lands exempt from the payment of revenue under grants not " being badshahie or royal."

All grants for exempted lands to be registered.

XIX. Persons actually holding lands exempt from payment of public revenue, under sunnuds granted previously to the dates herein-before specified, shall, whether the sunnuds may or may not have been confirmed by competent authority, register the said particulars regarding their respective sunnuds in the offices of the Collectors of zillahs.

Collectors to require the registry of all exempted lands by public notice.

The notice to specify the information required.

XX. Collectors of zillahs shall accordingly cause due notice to be given in all the cutcherries and public places of each zillah by written instruments, requiring persons holding exempted lands to register their respective sunnuds; and the said notices shall specify the particular information required for the purpose of registration.

Period of time allowed for registering such lands, and the consequence of omission therein.

XXI. Where persons holding exempted lands may refuse or omit to register their titles during one whole year from the time of publishing the notice of the Collectors, such lands shall be liable to be assessed for the full amount of the public revenue, in the same manner as other lands of the pergunnah not held exempt under sunnud; but such assessment shall not be fixed by Collectors, except by the sanction of the Governor in Council previously obtained for that purpose in writing.

The registers to be duly authenticated, and by whom.

Copies thereof to be kept in the Adawlut of each zillah.

Sunnuds not entered therein, invalid.

XXII. The register of exempted lands shall be paged and numbered, and authenticated by Collectors of zillahs; the Judges of zillahs shall also write on the last page of such registers the number of pages contained in the book, and shall subscribe the same with their names. The keepers of native records shall prepare and keep counterparts of the said registers; and copies of such registers, duly authenticated, shall be deposited in the Adawlut of each zillah respectively. Sunnuds not entered in the registers so authenticated and subscribed shall not be deemed to be valid in any cause whatever.

Native servants, whether public or private, surreptitiously registering, or causing to be registered, grants for exempted lands, to be punished by fine and imprisonment.

XXIII. Where natives, being in the public service of a Judge or of a Collector, or of an assistant Collector, or natives being private servants or dependents of a Judge or of a Collector, or of an assistant Collector, may receive, directly or indirectly, any sum of money or valuable thing in consideration of registering or procuring to be registered, surreptitiously or otherwise, grants for exempted lands, not being lawful grants, such native servants or dependents shall, on due proof before a court of justice, be rendered incapable of any public office in the service of Government; the amount of the money so received shall be forfeited, together with a fine of three times the amount to Government, with the charges of suit, and the offenders shall be imprisoned for a period of one whole year. The recovery of money so forfeited, together with the amount of the fines, shall be prosecuted in like manner as arrears of revenue.

A.D.

A.D. 1814. REGULATION IV.

A REGULATION *for preventing the Embezzlement of public Money, and the withholdiug of public Papers by the Native Officers of Government in the British Territories subject to the Presidency of Bombay:* PASSED *by the Governor in Council on the 23d March* 1814 *(corresponding with the 2d Chyter Sood, Sumbut or Vekramajit Era,* 1870; *Salbahan,* 1736; *and 30th Rubeeul-avul,* 1229 *Hejry).*

Preamble.

I. IT being necessary to guard against the loss or inconvenience incidental to the infidelity of native officers employed in the administration of the public revenue, the following rules have been enacted for the purpose of enabling Collectors to recover from native officers subject to their authority all balances of public money they may not have duly accounted for, to obtain possession of public papers they may withhold or conceal, and to procure their attendance for the adjustment of their accounts.

Collectors to take security for the personal appearance of the native officers herein specified.

Condition to which the surety is to be bound.

II. Collectors shall take security for the personal appearance of all native officers entrusted with the receipt or payment of public money or the charge of public accounts, who now are, or may be hereafter employed under them, in their capacity of Collectors of the revenue. The surety is to bind himself to produce the officer for whom he may become security, before the Collector, whenever his attendance may be required, until he shall be discharged from the public service, and shall have received a writing from the Collector, signifying that he has no demand upon such officer on the part of Government, either for money, papers, or accounts belonging to the public that may have been committed to him, or come into his possession in his official capacity. In the event of the surety not producing the officer for whom he has become security, the surety will be answerable for all demands that the Collector may have upon the officer for public money, papers, or accounts, and be liable to be proceeded against, in every respect, in the same manner as the officer himself, had he been forthcoming. When any public native officer is removed or resigns, the Collector is to grant him an acquittal, after he shall have delivered up all public papers, accounts, or money that may have been committed to his charge. Collectors may require new sureties from the native officers employed under them, in cases in which they may have ground to believe that the former sureties, whether admitted by themselves or their predecessors, are insufficient.

Native officers in charge of subordinate cutcherries to find surety in a sum equal to their average monthly receipts.

III. All native officers in charge of subordinate cutcherries shall, in addition to the security for their presence prescribed in the foregoing section, find surety for their good conduct, in a sum equivalent to the average monthly receipts from the resources placed under their controul.

Collectors how to proceed to recover public money or accounts in the possession of native officers.

IV. If a Collector shall have a claim, on the part of Government, on any of the native officers, for a balance of accounts, or money or papers belonging to Government, he is to require the payment of the money, or the delivery of the papers, by a writing under his official seal and signature, specifying the amount of the money or the particular papers required, and the date and place that may be fixed for the delivery of the money or papers.

If the officer shall not discharge the money or deliver up the papers by the limited time, the Collector is empowered to apprehend him, and convey him to the jail of the Court of Adawlut of the zillah; the Judge of which court shall detain him in confinement, until the sum demanded of him shall be discharged or he shall have delivered up the papers. The Collector is authorized, likewise, to attach such part of the real or personal property belonging to the officer, as may be sufficient to make good the sum which may be due from him. If his property shall be in another zillah, he is to apply to the Collector of that zillah, who shall cause it to be attached. If the property shall be situated within any other jurisdiction, the Collector is to apply to the Judge of such jurisdiction to attach and deliver it into the charge of the nearest Collector. The Governor in Council is empowered to order the property to be sold in satisfaction of the public claims. In the event of the death of any such officer, the surety is to be exonerated from all responsibility, and the Collector is to proceed against his heirs by a regular suit in the court to which they may be amenable, for any claims which Government may have upon the deceased.

Collectors how to proceed where officers abscond or are not forthcoming.

V. If any such native officer who may have retained public money or papers in his possession shall abscond, or not be forthcoming, the Collector may proceed against the surety upon his engagement, or apprehend the offender and commit him to prison, if he be within the limits of the zillah; or if he shall have taken refuge in any other zillah, and the Collector shall deem it necessary to require his personal attendance, that he may proceed against him instead of his surety, the Collector is to apply to the Judge within whose jurisdiction the officer may be or reside, to cause him to be apprehended. The Judge to whom the application may be made is to convey the officer in safe custody to the jail of the zillah from which he may have absconded.

Collector how to proceed in case of the officer absconding without having adjusted his accounts, or omitting or refusing to attend for that purpose.

VI. If a Collector shall have occasion to require any such officer to attend to adjust his accounts that the sum due from him may be ascertained, and he shall not attend upon being required by writing to that effect, under the official seal and signature of the Collector, to be fixed up in his cutcherry, and at the place in the zillah at which the officer may have last resided, the Collector is empowered to prepare the most accurate statement that he may be able of the money or papers in the possession of such officer, and proceed against the surety upon his engagement for the balance or papers, in the same manner as if the accounts had been adjusted, and the list of the papers prepared in the presence of the officer; or he may cause the officer to be apprehended by his own authority, under Section IV., if he be within the limits of the zillah, or if he shall have taken up his abode in any other zillah or jurisdiction, by application to the Judge in the manner directed in Section V. If it should afterwards appear, upon inquiry before the court, that no part, or a portion only of the sum demanded was due from him, or that the papers required were not in his possession, the Collector shall not be liable to pay any damages for having confined him, and all costs that may be incurred in the suit or inquiry shall be paid by the officer.

Officers or sureties confined for a demand of money to be released

VII. If any such officer or his surety shall be confined on account of a claim for public money, and previously to the sale of his property, or supposing

posing the Collector not to have been able to get possession of any property belonging to him, at any time subsequent to his confinement, shall deny the justness of the whole or any part of the demand made upon him by the Collector, and find some responsible person who will become security that he will institute a suit in the court in fifteen days against the Collector, to try the demand, and to pay the sum that may be awarded against him with costs, and interest at the rate of twelve per cent. from the date on which the sum may be demanded of him to the date of the decree, the court is to discharge the officer or surety, and submit the petition to the Governor in Council, and be guided by his instructions; and if any property belonging to the officer or surety shall have been ordered to be sold, the sale shall be countermanded and the property restored to the owner.

in the case herein specified.

VIII. If any such native officer or his surety shall be committed to custody by the Collector, and shall not obtain his release in the mode specified in Section VII., he shall nevertheless be at liberty, whilst in confinement, to transmit his representation, for the cognizance of Government, through the Judge of the zillah, should he deem the demand upon him unjust.

Native officers or their sureties at liberty to represent their case for the cognizance of Government whilst in confinement.

A.D. 1814. REGULATION V.

A Regulation *for prohibiting the Vend of certain Drugs and Substances, except under Licenses to be granted by the Collectors:* Passed *by the Governor in Council of Bombay on the 20th of April* 1814 *(corresponding with the 15th Chyter Vud, Sumbut or Vekramaji Era,* 1870; *Salbahan,* 1736; *and the 28th Rubeeoolukhir* 1229, *Hejry).*

I. The facility with which poisonous drugs and substances destructive of human life are at times obtained, particularly in the city of Surat, and the secresy with which murders may be perpetrated by their agency, rendering it necessary that the vend of such articles should be prohibited excepting under salutary checks and controul, the following Regulations have been enacted, to take effect from the date of their promulgation.

Preamble.

II. No person shall be allowed to vend by retail poisonous drugs or deleterious substances, without a license from the Collector, which shall specify the name, cast, and place of abode of the vender.

Prohibition of the retail sale of poisons without a license.

III. The substances considered to be immediately destructive of human life, and which are prohibited to be retailed under this Regulation without a license, are the following, *viz.*

The names of the poisons so prohibited to be sold.

Mineral Poisons.

Antimony,	Arsenic, Yellow,	Lead, Red,
——— Glass of,	——— Red,	—— Sugar of
——— Crocus,	Cobalt,	Vitriol blue,
Arsenic,	Lead, burnt,	Verdigris.
——— White,	—— White,	

Vegetable Poisons.

Nux Vomica.—Coculus Indicus Bichhnak "Napellus Moysis."

To whom these poisons are to be sold by the licensed venders.

IV. No licensed persons shall sell any of the articles above specified, excepting to persons whom they well know, and for purposes previously explained to them.

Entries of the sale with all particulars to be made in their books.

V. Licensed venders of these substances shall make full entries of all their sales in a book which they shall preserve for that purpose, which shall specify the name, cast, and place of abode of the person purchasing the articles, and the date of sale.

To be inspected by the Magistrates' department when required.

VI. The book of sales shall be produced whenever called for by the Magistrate; and it shall be open for inspection at all times to such of the officers of the court as the Magistrate may order to examine the same.

The quantity of each drug to be specified in the license.

VII. Every license shall specify the standard quantity of each drug which shall determine a retail traffic. Previously to its being delivered to the person

A fee to be collected on issuing licenses.

applying for it, it shall be registered in the Collector's Office, for which a fee shall be paid of five rupees, to be carried to the public account.

Licenses to be annually renewed.

VIII. The licenses shall be renewed annually on payment of the same fee.

Unlicensed venders to be punished, and how.

IX. Persons selling any of the articles enumerated in Section III. without a license, and all offences against this Regulation, shall be punished by fine or imprisonment, at the discretion of the Magistrate, subject to the restrictions of Sections VII. and VIII., Regulation III. A. D. 1800.

Regular Vyds or Hakeems permitted to sell poisons.

X. Nothing herein contained shall be understood to prevent the regular Vyds or Hakeems from administering drugs as medicines in the course of their professional practice.

A. D. 1814. REGULATION VI.

A REGULATION *for authorizing the Confiscation and Sale of Goods, Wares, or Merchandize, which may be forfeited by a Breach of the Regulations of the Government, and for rendering Goods illicitly shipped at Madras or Calcutta, or at any Port within the Jurisdiction of those Presidencies respectively, liable to Seizure and Confiscation if imported into Bombay, or any of the Ports subordinate thereto:* PASSED *by the Governor in Council on the 4th of May* 1814 *(corresponding with the 15th Vysack Sood, Sumbut or Vekramajit Era,* 1870; *Salbahan,* 1736; *and 13th of Jumady ool avul,* 1229 *Hejry).*

Preamble.

I. WHEREAS it is necessary that rules should be prescribed for the guidance of the Revenue officers in the confiscation of goods and merchandize which may be imported into Bombay or any of the ports subordinate thereto, in violation of the Regulations now established or which may hereafter be established for the security of the Honourable Company's revenues; and whereas it is expedient that the Revenue officers should also be empowered to confiscate goods and merchandizes which may be imported at the port of Bombay or any of the places subordinate thereto, from any port or place within the presidencies of Calcutta and Madras respectively, without conforming to the regulations of the presidency to which the port of shipment shall belong, the following rules have been accordingly enacted.

II. Where

All seizures of goods, wares, and merchandize, in pursuance of any revenue Regulation, to be proceeded on, heard, examined, and determined in a summary way, before the Custom-masters or deputies, and to be condemned and sold by them.

II. Where any goods, wares, or merchandize shall be seized as forfeited, by virtue or in pursuance of any Regulation respecting the revenues under the management of the Governor in Council of Bombay, by any of the officers of the said revenues, all such seizures shall be proceeded on, heard, examined, and determined in a summary way, before the Custom-master of Bombay, or his deputy for the time being, or before the Custom-master of any other port or place within the presidency of Bombay where such seizure may have been made, or near to the place where such seizure may have been made, or his deputy for the time being; which said Custom-master and Deputy Custom-master respectively, within their respective jurisdictions, shall be and are hereby authorized and empowered to cause the respective person or persons in whose custody such goods, wares, or merchandize, so seized as aforesaid, were found at the time of the seizure thereof, to be summoned to appear before them at their respective offices, and upon the appearance or default of such person or persons so to be summoned, to examine into the cause of such seizure or seizures, and thereupon to proceed to give judgment for the condemnation of such goods, wares, and merchandizes, as upon due examination shall be found to be forfeited, by virtue of any Regulation relating to the said revenues under the management of the said Governor and Council of Bombay, and to make an order for the sale of such goods, wares, and merchandizes, as shall be so by them respectively condemned.

Goods, &c. imported from any port within the presidencies of Bengal and Madras, without a certificate of the payment of the regular duties leviable at the port of shipment, to be forfeited.

III. All goods, wares, and merchandizes, imported or brought into any port or place within the presidency of Bombay from any port or place within the presidencies of Calcutta and Madras respectively, shall be forfeited, unless the person or persons in whose custody such goods, wares, or merchandizes be found, shall produce to the Custom-master of the port or place where such goods, wares, or merchandizes shall be found, or his deputy for the time being, a certificate from the Custom-master at the port of shipment, or his deputy for the time being, that all customs, export duties, and charges whatsoever, which the Revenue Regulations of the presidency to which the said port of shipment shall belong, require to be paid at the said port of shipment, have been paid to the said Custom-master, or his deputy for the time being.

Appeal against the forfeiture to lie to the Sudder Adawlut at Bombay, or Zillah Judges at subordinate stations.

IV. A petition of appeal, descriptive of all the circumstances of the case and confirmed on oath, shall lie to the Sudder Adawlut, by parties conceiving themselves aggrieved by the operation of this Regulation at the presidency, Bancoote, Caranja, or at Malwan, or at any other port where there may be no Court of Adawlut; and to the Zillah Judge at the other stations subordinate to Bombay, where Courts of Adawlut may be established.

The decision of the Sudder Adawlut and Zillah Judges to be final.

V. The decision of the Sudder Adawlut or of the Zillah Judge shall be final.

Goods confiscated to be sold on account of the Company.

VI. On goods, wares, or merchandize being adjudged to be finally confiscated, the Custom-master will proceed to dispose of the same by public auction on account of the Company.

A. D. 1814. REGULATION VII.

A REGULATION *for facilitating the Progress of Detachments of Troops through the Company's Territories; for affording any requisite Assistance to Persons travelling through the Territories; and for the Guidance of the Civil Officers in applying for Military Guards:* PASSED *by the Governor in Council of Bombay on the 17th of August* 1814 *(corresponding with the 2d (first) Bhadrapud Sood, Sumbut, or Vekramajit Era,* 1870; *Salbahan,* 1736; *and 1st Ramzan,* 1229 *Hejry).*

Preamble.

I. WHEREAS it is expedient to enact into a Regulation, for general information and observance, the rules for facilitating the progress of military detachments through the Company's provinces; for ascertaining and defraying any necessary expense incurred for that purpose, and for providing a compensation, when any material damage may be sustained in the cultivation of the country from the march or encampment of troops: whereas it is also judged proper to command the local Officers of Police to afford such reasonable assistance as may be required by travellers (whether European or native) proceeding through their respective jurisdictions in procuring the means of prosecuting their journies; and whereas it is farther necessary to establish rules, prohibiting, with certain exceptions, the use of the uniform of the Company's native troops, the sending of Sepoys or Lascars into villages, for the purpose of procuring provisions, or of pressing Coolies, cartmen, bullockmen, boatmen, or others, and the employing of badged Peons or other public servants wearing badges; and whereas it is likewise necessary, that fixed and defined rules should be established for the guidance of the Magistrates and other civil officers in applying for detachments, guards, or escorts for the public service from the regular battalions; and whereas it is moreover necessary that this, as well as other Regulations, should be duly promulgated: the following rules have been enacted, to be in force throughout the whole of the provinces subject to the immediate Government of Bombay from the date of their promulgation.

Timely notice to be given to Collectors and Magistrates, by officers commanding detachments, proceeding throughout any part of the Company's territories.

II. Whenever a detachment of troops or a single corps shall be ordered to proceed through any part of these territories, the commanding officer of such detachment or corps is required to give the earliest practicable notice to the Collectors of the Revenue of the zillahs through which the troops are to pass, of the probable times of their arrival within the district, and the particular places where supplies may be required, together with a specification of the supplies which will be wanted. The commanding officer shall likewise notify to the Collectors, the probable period of the arrival of the troops at any rivers or nullahs intersecting their march, where boats or temporary bridges may be necessary for crossing the troops and the baggage attached to them. The commanding officer shall at the same time communicate to the Magistrates of the zillahs through which the troops are to pass, the probable time of the arrival of the troops within their respective jurisdictions.

In what manner the Collector shall proceed on receiving the above notice.

III. *First.* On receiving the notification mentioned in the foregoing section, the Collectors shall immediately issue the necessary orders to the landholders,

holders, farmers, Tehsildars, or other persons in charge of the lands through which the troops are to pass, for providing the supplies required, and for making any requisite preparations of boats or temporary bridges, or otherwise, for enabling the troops to cross such rivers or nullahs as may intersect their march, without any impediment or delay. The Collector shall at the same time depute a creditable native officer to accompany the troops through his jurisdiction, for the purpose of aiding in procuring the necessary supplies, and of facilitating the march of the troops. It shall be the duty of such native officer to provide the troops with whatever bearers, coolies, boatmen, carts and bullocks, may be indispensably necessary to enable the troops to prosecute their route. Should he experience any difficulty in the performance of his duty, he is at liberty to apply for assistance to the nearest Police Officer, who is directed to afford his aid in providing the number of persons, and of carts and bullocks, required.

At what rates supplies furnished to troops marching through the Company's territories shall be paid for.

Commanding officers to make immediate enquiry into complaints preferred to them against persons under their command.

Second. The supplies furnished under the foregoing clause (including earthen pots, firewood, and every article of supply) shall be paid for by the persons receiving the same, at the current bazar prices of the place at which they may be provided; and all officers commanding detachments of troops marching through any part of the Company's territories are strictly enjoined to make immediate enquiry into any complaints which may be preferred to them by the persons furnishing such supplies, or in their behalf, against any person or persons under their command, and to afford such redress to the complainants as the nature of the case may appear to require.

Certificate to be granted by the commanding officer when troops shall be provided with boats, bridges, or other accommodations under this Regulation, to enable them to prosecute their route.

IV. *First.* Whenever a detachment of troops or a single corps shall be provided with boats, temporary bridges, or other accommodations, by any landholder, farmer, Tehsildar, or other person, for the purpose of crossing the troops and their baggage over rivers or nullahs, conformably to the orders of the Collector of the zillah, the commanding officer of such detachment or corps shall grant a certificate to the person furnishing the same, specifying the number of boats and persons employed on the public service. In instances in which temporary bridges or rafts may be constructed for the above purpose, the certificate to be granted by the commanding officer is to specify generally the dimensions of the bridges or rafts and the materials of which they may be composed.

Such certificate to be transmitted to the Collector by the person receiving it, with a detailed account of the expense incurred.

The account to be transmitted by the Collector to the commanding officer.

What to be certified thereon by the commanding officer.

Second. The certificate mentioned in the foregoing clause shall be immediately transmitted to the Collector of the zillah by the person receiving it, accompanied by a detailed account of the expense incurred for the purposes therein specified. The Collector shall, without delay, communicate the particulars of the account to the officer commanding the detachment or corps, on whose account the expense may have been incurred, who shall certify generally thereon whether the services charged for in it were performed, or shall state such exceptions as he may have to offer to any of the charges.

The account and vouchers to be transmitted by the Collector, with his report on the charges, through the prescribed channel, to the Governor in Council.

Third. When the account abovementioned shall be returned to the Collector, he shall certify whether the sums and rates charged are in his opinion reasonable, and conformable to the usual rates of labour and hire in the zillah; and shall transmit the account, with the vouchers and certificates relating to it, with any requisite observations thereupon, through the prescribed channel to the Governor in Council. After the account shall have undergone the examination and report prescribed for all military contingent charges,

charges, the Governor in Council will pass such final order as may appear proper. In the mean time the Collector is empowered, in such cases, to pay the amount of the charge, or such proportion of it as he may consider reasonable, to the landholder, farmer, or other person entitled thereto; inserting the amount so disbursed at the foot of his Treasury account, in explanation of his Treasury balance, in the mode prescribed for similar cases.

In the mean time the Collector is empowered to pay such proportion of the charge as he may consider reasonable, inserting the amount at the foot of his treasury account.

V. *First.* Whenever a proprietor, farmer, tenant, or manager of land, through which any detachment or corps of His Majesty's or of the Company's troops may march, or on which they may be encamped, shall consider himself entitled to compensation for any injury sustained from the march or encampment of the troops, he shall immediately furnish the commanding officer of such troops with as accurate a statement as can be prepared, of the nature and extent of the injury sustained; when the commanding officer is required to certify generally thereon, whether or not the damage represented to have been sustained has been actually committed, together with his opinion respecting the justice and extent of the claim.

In what manner landholders and other persons farming or holding land are to proceed, who shall have sustained any injury from the march or encampment of troops.

Certificate to be granted by the commanding officer on such occasions.

Second. If the proprietor, farmer, tenant, or manager, after receiving such certificate shall consider himself entitled to compensation, he will be at liberty to present the statement of his claim, with the officer's certificate thereon, to the Collector of the zillah (either in person or by his Vakeel) within ten days from the date of the certificate; but no claim of this description shall be received by the Collector after the expiration of that period, unless the person preferring it shall assign good and satisfactory reasons for the delay.

The person receiving such certificate is at liberty to present the same with a statement of his claim to the Collector within ten days from the date of the certificate.

Exception to the foregoing rule.

Third. The Collector, on receiving a statement of damage and the commanding officer's certificate thereon, within the prescribed period, or afterwards if sufficient reason be assigned for the delay, shall forthwith adopt such measures as may appear requisite to ascertain whether or not the claim be well founded, and shall report his proceedings to the Governor in Council, accompanied by his opinion on the merits of the claim, for the consideration and orders of Government. It is however declared, that no claim will be received unless accompanied by the prescribed certificate of the commanding officer of the troops by whom the damage may be stated to have been committed, excepting instances in which the claimant can shew good and sufficient cause for not having obtained such certificate. In such cases, if the Collector be satisfied with the cause assigned by the claimant for not having obtained the prescribed certificate, he shall transmit the petition and statement of the claimant to the officer commanding the troops by whom the damage may be stated to have been committed, and shall wait his reply thereto, previously to determining whether or not the claim be entitled to investigation.

Rule for the conduct of the Collector on receiving such statement or certificate.

To report his proceedings to the Government.

With the exception specified in this clause no claim will be received, unless accompanied by the prescribed certificate of the commanding officer.

VI. Immediately on receiving the notification mentioned in Section II., the Magistrate shall transmit orders to the several Police Darogahs, or other local officers of the police on the route of the troops, to afford every assistance in their power to facilitate the march of the troops through their respective jurisdictions, and to co-operate, as far as necessary, with the person deputed on the part of the Collector in procuring the requisite supplies, as well as in adjusting any disputes which may arise respecting the prices of the

In what manner the Magistrates are to act on receiving the notice mentioned in Section II.

In what manner Police officers are to assist in facilitating the march of troops.

the articles furnished, and in preventing any alarm to the inhabitants of the country.

What report to be made to the Commander-in-chief by officers commanding troops on their march through the Company's territories.

VII. Officers commanding detachments of troops or single corps, on their march through any part of the Company's territories, are required to report to the Commander-in-chief in what manner the troops have been supplied in passing through the districts in their route. In like manner, the Collectors and Magistrates are directed to report to the Governor in Council any complaints which may be made to them of the misbehaviour of the troops, whenever such complaints shall appear to be well founded, and of sufficient importance to require communication to Government.

In certain cases any misbehaviour of the troops to be reported by the Collectors and Magistrates to the Governor in Council.

Police officers are empowered, in cases of necessity, to assist travellers in prosecuting their route.

VIII. Whenever any military officer, not commanding nor proceeding with a corps or detachment of troops, or any other person (whether European or native) not restricted by Government from passing through the country, may be proceeding within any part of the Company's provinces, either on the public service or on his private business, and shall be in need of assistance during his route, to enable him to prosecute his journey, he shall be at liberty to apply to the nearest local officer of Police to aid him in providing any requisite bearers, coolies, boatmen, carts, or bullocks, or any necessary supplies of provisions or other articles. On receiving an application of the above nature, the Police officer to whom it may be made shall furnish the aid required, or cause it to be furnished by the proper person or persons; provided that a sufficient number of persons who have been accustomed to act as bearers, coolies, or boatmen, or the requisite number of carts and bullocks, not exclusively appropriated to the purposes of agriculture and occasionally let for hire, can be procured within his jurisdiction. But all Police officers are strictly forbidden, under pain of dismission from office (under the rules prescribed by Regulation IV. 1800), on applications of the above nature, to compel any persons, not accustomed to act as bearers, coolies, or boatmen, to serve on such occasions, or to furnish a traveller, or cause him to be furnished with bullocks or carts kept for private use and not for hire, or exclusively appropriated to the purposes of agriculture. Persons so employed, and the persons in charge of carts and bullocks so provided, shall be at liberty to return from the first police station in the next zillah through which the corps or detachment is to march, unless a voluntary engagement to the contrary may be entered into by such persons. The Police officers are further enjoined to be careful, that a proper compensation for the bearers, coolies, boatmen, carts, or bullocks employed, and a just price for the provisions or other articles provided, be secured to the persons entitled thereto; for which purpose the Police officers are authorized to adjust the rate of hire to be paid for the bearers, boatmen, carts, or bullocks required, and the price of any articles provided. Should any traveller refuse to comply with the adjustment so made by a Police officer, he will not be entitled to any assistance from the officers of Government under this Regulation.

In what manner such assistance shall be afforded.

Persons and carts and bullocks of a certain description not to be employed in furnishing such assistance.

Penalty for a breach of the above rule.

Persons employed under this section to be at liberty to return from the first police station in the next zillah, unless they may have engaged to the contrary.

On what conditions assistance will be afforded to travellers.

IX. *First.* All persons, whether European or native, within the Company's provinces (excepting such privileged persons as the Government may specially exempt from the operation of the rule contained in this section) are positively forbidden to dress any of their servants, either for the purpose of

Prohibition against private servants appearing dressed like Sepoys and Lascars, with certain exceptions.

parade or of business, in the uniform of the Company's Sepoys and Lascars, or in a dress so nearly approaching to that uniform as to enable the persons wearing it to impose themselves on the country people for Sepoys and Lascars.

The above rule extended to all natives, with certain exceptions.

Second. All natives, excepting those actually in the military service of the Company, or belonging to persons specially exempted by Government from the operation of this rule, are forbidden to wear a dress similar to that mentioned in the foregoing clause.

Officers of every description not to clothe their public servants with a military dress.

Third. Officers of every description employed in the service of the Company, who are allowed establishments of Peons in their official capacity, or who may have occasion to employ persons of that description in such capacity, are prohibited from clothing them with a military dress.

What officers are employed to deprive of a military dress any person who shall wear it in opposition to these orders.

Police officers to apprehend and send to the Magistrate persons of the above description.

Fourth. With the view of giving full effect to the orders contained in the preceding clauses, the military commanding officers of stations and of detachments in the interior parts of the country, and the several zillah Magistrates are hereby authorized and required, to deprive of a military dress any person who shall wear it contrary to these orders. The local officers of Police are also empowered and directed to apprehend all persons of the above description, and to send them to the Magistrate, who will deal with them in the manner above prescribed.

All persons to whom escorts may be allowed are forbidden to send Sepoys or Lascars into the villages, to procure provisions or to press bearers, coolies or boatmen.

Fifth. Military officers, or other persons, to whom escorts may be allowed, when travelling through the country, are forbidden to send Sepoys or Lascars into the villages, for the purpose of procuring any sort of provisions or of pressing bearers, coolies, or boatmen; every local officer of Police, upon proper application, will, under Section VIII. of this Regulation, grant such assistance as he may be able to afford; and all violent measures, therefore, will be considered equally illegal and unnecessary.

No person excepting the public officers of Government to distinguish his servants with badges.

Sixth. No person shall be allowed to distinguish his Peons or other servants with badges, except the public officers (civil or military) employed in the service of the Company, who are allowed establishments of Peons in their official capacity, or who may have occasion to employ persons of that description in the public service. The several zillah Magistrates are empowered and directed to apprehend any person (not being in the service of a public officer of the Government authorized to entertain such servants) who shall wear a badge in opposition to the prohibition contained in this clause, and to deprive him of the badge. The local officers of Police are also authorized and directed to apprehend persons of the above description, and to send them to the Magistrate, by whom the offender will be dealt with as above directed. Any European, not being a public officer of the Government, to whom such description of public servants is allowed, employing badged Peons, or other descriptions of servants wearing badges contrary to this prohibition, will be liable to the severe displeasure of Government, on representation of the circumstances of the case by the Magistrate, who is directed to report all such instances for the information and orders of the Governor in Council.

The Magistrates to apprehend and deprive persons of their badges, who shall wear badges contrary to the above prohibition.

The Police officers to apprehend persons of the above description and send them to the Magistrate.

The Magistrates to report to Government every instance of any European, not a public officer, employing servants with badges.

Applications to be made in writing by Magistrates requiring detachments, stating the service to be performed; and military officers to determine the force requisite for such service.

X. *First.* Whenever the Magistrates may require detachments of troops from the regular battalions, for the apprehension of public offenders or for the maintenance of the peace in their respective districts, they shall state in writing, as fully and circumstantially as may be practicable, the nature of the service required to be performed, to the officer commanding the division, leaving

leaving it to him, on a consideration of the circumstances stated, to judge of the strength of the force which should be employed in the execution of the duty in question. In cases, however, of emergency, the Magistrates are at liberty to apply for aid to the officer commanding the nearest military post, informing the officer commanding the division of such application.

Civil Magistrates responsible for calling in the aid of the military in cases of emergency, and military officers not to exercise any discretion in granting or withholding such aid. Report to be made to Government by the Magistrates.

Second. The power vested in the several Magistrates by the foregoing rule being founded upon the nature and exigence of the case, which may frequently require promptitude and decision, and will seldom admit of a reference to Government, it shall be the duty of officers commanding divisions, corps, or detachments, immediately to furnish the necessary military aid, whenever applications may be regularly and publicly made to them by the Magistrates for troops, for the maintenance of the peace, or for the support of the general police of the country. By those means the responsibility of calling in the aid of the military will rest with the civil Magistrates, and the allotment of the force will depend upon the officers commanding troops; who are not, however, on occasions of this nature, to exercise any discretion in granting or withholding the required aid. But as it is, at the same time, essential to restrict the employment of military force to cases of absolute necessity, the Magistrates are hereby enjoined to confine their requisitions for military force to cases of that description, and to report to Government whenever they may apply for military aid, under the rule contained in this section, at the same time furnishing the Governor in Council with the necessary information respecting the circumstances upon which the application for such aid may have been grounded.

Military officers to report their compliance with such applications to the Commander-in-chief.

Third. The officers commanding troops, by whom such detachments may be furnished in pursuance of the applications of the Magistrates, shall immediately transmit the necessary reports thereof to the Commander-in-chief.

Rules for supplying the permanent guards required by the several civil officers.

XI. *First.* The permanent guards required by the Magistrates, by the Collectors of the land Revenue and Customs, by the Commercial Residents, and by any other public officers, authorized to require such guards for the protection of the public treasuries, stores, and other property, shall be in future furnished from the regular battalions or companies of invalids or provincial battalions. The civil officers requiring guards shall accordingly state, fully and circumstantially, the nature of the service necessary to be performed to the officer commanding the division. On the receipt of such information the commanding officer of the division shall issue immediate orders for furnishing guards of such strength as he may deem necessary; provided that no public objection shall occur to a compliance with the application, and that he shall be satisfied, that the civil officer, from whom the application may have been received, was entitled to make it by the general rules and usages of the service. But as the same necessity does not exist for vesting Magistrates and other public officers, in cases of this nature, with the extensive power entrusted to the Magistrates by Section X. of the present Regulation, the officer commanding the division shall be at liberty, in case he shall deem it necessary or proper on any public grounds, to suspend compliance with the application, and to refer the case to the Commander-in-chief, who will forward the representation to Government for its decision, or pass such orders on the subject as may appear to him to be proper. With the

the view, likewise, of preventing abuse of the powers vested in the civil officers, in applying for guards from the regular battalions, the Magistrates and other officers in the Judicial Department shall, on the receipt of the present Regulation, transmit to the Governor in Council a statement of the permanent guards employed or required by them, for his consideration and orders.

Permanent guards not to be increased without the previous sanction of Government.

Second. When the permanent guards required by the different officers in the Civil Department of the service shall have been fixed, under the rule contained in the preceding section, no augmentation shall be made in the number or strength of such guards, without the express sanction of the Governor in Council.

Rules for supplying civil officers with temporary escorts.

XII. The temporary escorts which may in future be required by the Magistrates, by the Collectors of the land Revenue and Customs, by the Commercial Residents, and by any other public officers authorized to require military aid, for the remittance of treasure, of stores, or of other public property, or for other purposes connected with their respective official situations, are in future to be furnished from the regular battalions or companies of invalids, or any provincial battalion. The civil officer requiring any such escorts is accordingly to state fully and circumstantially the nature of the service necessary to be performed, to the officer commanding the division in which the corps may be stationed from which the required escort is to be furnished. On receipt of such information, the officer commanding the division shall furnish an escort of such strength as he may deem necessary for the performance of the duty in question; provided that no substantial public objection shall occur to a compliance with the application, and that he shall be satisfied that the civil officer from whom the application may have been received was entitled to make it by the general rules and usages of the service: but if not, the officer commanding the division shall be at liberty to suspend compliance with the application, and refer the case to the Commander-in-chief, who will forward the representation to Government for its decision, or pass such orders on the subject as may appear to be proper.

Civil officers in the Judicial, Revenue, and Commercial Departments to send monthly statements of guards, detachments, and escorts employed by them to Government, and the Boards of Revenue and Trade respectively.

XIII. It shall be the duty of the Magistrates and other officers in the Judicial Department to transmit to Government, on the first of each month, a statement of the guards, detachments, and escorts employed by them in the preceding month. The Collectors, Commercial Residents, and other officers in the Revenue and Commercial Departments shall, in like manner, transmit to Government on the first of each month a statement of the guards, detachments, and escorts employed by those officers respectively in the preceding month.

The foregoing rules not applicable to the presidency station.

Applications for guards, &c. in Bombay, how to be made.

XIV. The foregoing rules are not to be considered applicable to the presidency station. Whenever guards, detachments, or escorts may be required by the Magistrates of Bombay, or by any of the other civil officers, for the discharge of any public duty connected with their respective official situations, they are to make the necessary application for that purpose, agreeably to former usage, to the Governor in Council, through the channel prescribed for conducting the public correspondence.

XV.

XV. On receiving translations in the country languages of the present Regulation, the Magistrates of the several zillahs shall transmit copies to the local officers of Police; and the Collectors shall furnish copies to the principal landholders, farmers, Tehsildars, and managers of estates, within their respective jurisdictions, with directions to publish and exhibit the same in their cutcherries for general information.

Measures to be adopted by the Magistrates and Collectors for promulgating this Regulation.

XVI. On receipt of translations of the Regulations in the country languages, the zillah Judges and Magistrates shall cause the same to be publicly read in their cutcherries; and shall require the native pleaders of their respective courts to take copies of the translations of any Regulations which relate directly or indirectly to the administration of civil justice, and direct the Cauzies stationed in the several towns and pergunnahs within their respective jurisdictions to read and publish the same for general information, at the cutcherries of the native Commissioners empowered to act as Moonsiffs, and of the Police Darogahs or Tehsildars in charge of the police.

Rules to be observed by the Judges and Magistrates for the purpose of promulgating this Regulation.

A. D. 1814. REGULATION VIII.

A Regulation *for removing the existing Restrictions to the Export of Saltpetre:* Passed *by the Governor in Council on the 7th of September* 1814 *(corresponding with the 8th Bhadrapud Vud, Sumbut or Vekramajit Era,* 1870; *Salbahan,* 1736; *and 22d Ramzan,* 1229 *Hejry).*

I. Whereas it has been deemed expedient, in consequence of the provisions contained in an Act of Parliament passed in the fifty-third year of the reign of his present Majesty, entitled "An Act for continuing in the "East-India Company for a further term the possession of the British "territories in India, together with certain exclusive privileges: for esta- "blishing further regulations for the government of the said territories, and "the better administration of justice within the same; and for regulating the "trade to and from the places within the limits of the said Company's "charter," to remove the prohibition existing at this presidency to the export of saltpetre, the following rule has been passed, to be in force from the date of its promulgation.

Preamble.

II. The authority under which the Custom-master has prohibited the export of saltpetre under this presidency shall be and is hereby repealed. Government, however, reserves to itself the privilege of prohibiting the export of saltpetre on foreign vessels whenever it may think proper.

The order of prohibition repealed, under a reservation in regard to foreign ships.

III. The authority granted to British subjects to export saltpetre to Europe is not intended to vest them with the privilege of exporting that article to China, or to any other port or place out of the United Kingdom of Great Britain, whether belonging to the British nation or to any other state.

Not to be exported, however, to China, nor to any port or place out of the United Kingdom.

Exports and imports on foreign bottoms to pay double duties.

IV. In order to prevent misconstruction of the effect of the present Regulation, the officers in the department of customs are hereby required to observe, that the provisions contained in Regulation X. 1813, by which the trade of foreigners is subject to double duties, are applicable to the article of saltpetre in common with other commodities.

A. D. 1814. REGULATION IX.

A REGULATION *to define the Punishment to which Persons convicted of two or more Offences shall in certain Cases be subject:* PASSED *by the Governor in Council on the 7th September* 1814 *(corresponding with the 8th of Bhadrapud Vud, Sumbut or Vekramajit Era,* 1870; *Salbahan,* 1736; *and 22d Ramzan,* 1229 *Hejry).*

Preamble.

I. WHEREAS it is requisite to define the punishment to be adjudged on conviction of certain crimes, in cases in which the same prisoner may be convicted on separate charges and commitments of two or more offences, the penalties of which in the aggregate may include a period of imprisonment exceeding the term of fourteen years, the following rules have been enacted, to be in force from the promulgation of them throughout the territories immediately dependent on the presidency of Bombay.

Discretion vested in the Courts of Circuit to reduce the prescribed penalties in cases of conviction of two or more distinct offences, when the aggregate punishment may exceed thirty-nine stripes with a corah and imprisonment for fourteen years; and the prisoner may not be liable, on any one of the charges established against him, to a sentence of death or imprisonment for life.

II. *First.* Whenever a prisoner may be brought to trial before a Court of Circuit for two or more distinct offences included in separate commitments, and may be convicted at the same session of two or more offences, the prescribed penalties of which, under the Regulations in force, may exceed in the aggregate thirty-nine stripes with a corah and imprisonment for fourteen years, but may not for the crime established against the prisoner on any one commitment amount to death or imprisonment for life (in which case the trial would be referrible to the Superior Tribunal), the Judge of Circuit is authorized to reduce the prescribed punishments for the whole of the offences of which the prisoner may be so convicted at the same session, so as not to exceed in the aggregate thirty-nine stripes with a corah and imprisonment, in banishment from the district for a term of fourteen years; provided he shall be of opinion, on consideration of the several acts of criminality established against the prisoner and the circumstances of each case, that the punishment above specified is sufficient.

Provision if the prisoner appear to be deserving of imprisonment for a longer term than fourteen years. The Judge of Circuit to pass sentence in such case for the punishment prescribed by the Regulations, stripes excepted, which shall never exceed thirty-nine at any one session; and to transmit the proceedings on each trial for the final sentence of the Superior Tribunal.

If the Judge of Circuit, however, should be of opinion that the prisoner is deserving of imprisonment for a longer period than fourteen years, he shall pass sentence in the several cases for the punishment prescribed by the Regulations (except that the number of stripes to be adjudged against a prisoner at any one session of a Court of Circuit shall not exceed thirty-nine), and shall transmit the proceedings on each case, with a report of the circumstances and his sentiments on the punishment which should be inflicted upon the prisoner, for the final sentence or order of the Superior Tribunal.

Second.

Second. The principle of the above clause shall be also considered applicable to cases in which prisoners convicted and sentenced at a preceding session of a Court of Circuit may be convicted at a subsequent session of another offence committed before their first conviction and sentence. But it is not meant to apply to any new offence committed by a person after his conviction of a former offence, whether the period of confinement to which he may have been sentenced for his former offence shall have expired at the time of his committing the subsequent offence or otherwise.

The principle of the preceding clause applicable to cases wherein the prisoner convicted and punished at a former session may be brought to trial and convicted at a subsequent session of another offence committed anterior to the first sentence; but not to any new offence committed by the prisoner subsequent to his conviction of a former offence.

Third. When a prisoner committed or held to bail for trial before a Court of Circuit on two or more distinct charges may be liable, on one or more convictions, to a sentence of imprisonment for fourteen years, and the further charge or charges against the prisoner may not be such as would, on conviction, subject him to a sentence of death or imprisonment for life, it shall not be requisite for the Judge of Circuit to try such additional charge or charges, unless there shall appear to be special and sufficient cause for trying the same: Provided, that whenever a Judge of Circuit may exercise the discretion thus vested in him, he shall report the same with his reasons to the Superior Tribunal, in the statement transmittible to that court of sentences passed by the Court of Circuit, or if the trial held upon the prisoner be on any account referrible to the Superior Tribunal, in the letter accompanying such trial; and it shall be competent to the Superior Tribunal to order a further trial of the remaining charge or charges against the prisoner, in all cases wherein that court may judge it proper so to direct.

If a prisoner be liable on one or more convictions before a Court of Circuit to a sentence of fourteen years imprisonment, the Judge may dispense with the trial of any other charges against the same prisoner, provided a conviction of such additional charges would not subject the prisoner to a sentence of death or perpetual imprisonment.

The Judge of Circuit to report all instances wherein he may exercise this discretion to the Superior Tribunal; who are competent to direct that the prisoner shall be brought to trial on the remaining charge or charges.

A. D. 1814. REGULATION X.

A Regulation *for establishing an Office for keeping the Records in the Native Languages which relate to the Public Revenues:* Passed *by the Governor in Council on the 21st September* 1814 *(corresponding with the 8th of second Bhadrapud Sood, Sumbut or Vekramajit Era,* 1870; *Salbahan,* 1736; *and 6th Shaval,* 1229 *Hejry).*

Preamble.

I. It being essential to the future security of the dues of Government and of the rights and property of individuals, that all papers and accounts regarding their assessment, the allotment of the revenue on shares of estates that may be divided, as well as all other documents, in any respect relating to the public demands upon lands, should be carefully preserved, and the Right Honourable the Governor in Council deeming it reasonable that the individuals whose rights and property may derive additional security from this institution should contribute towards defraying the expense attending it, the following rules have been accordingly enacted.

An office for keeping records in the country languages, to be established in each zillah.

II. An office shall be established in each zillah for keeping all records and papers in the native languages, which may in any way relate to the public revenue.

Denomination and nature of the office.

III. The office shall be superintended by two natives, who shall form a part of the establishment to the Collector, and shall be styled Keepers of the Revenue

Revenue Records in the Native Languages: they shall be appointed by the Right Honourable the Governor in Council, and shall not be removeable but for misconduct proved to his satisfaction. The office, however, is declared not to be hereditary.

Rules for the guidance of the Record-keepers prescribed.

IV. The Keepers of the Records are to keep a register, in the Guzerattee language and in the Mharatta language, of all accounts, documents, and papers, in any respect relating to the public revenue, in a book or books which shall be paged, and each leaf of which shall be attested by the Judge of the Court of Adawlut of the zillah, and who shall insert in his own hand writing, on the last leaf of each book he may so attest, the number of pages contained in it. The accounts and papers now deposited in the several zillahs are to be first entered in the register, and the Keepers of the Records are to prepare a list of them for that purpose, immediately upon the receipt of this Regulation.

Ditto ditto.

V. The Keepers of the Records are to be careful that the accounts and other records are not destroyed by insects, damp, or otherwise; and that they are not removed from the office of the Collector without his express orders.

Liable to dismission.

VI. If any papers entered in the register shall be destroyed, in consequence of the neglect or any omission of the Keepers of the Records, or if any such record or papers shall not be forthcoming, and they shall not be able to give a satisfactory account of them, they shall be liable to dismission from their offices.

The keepers to attend to such rules as may be prescribed to them.

VII. The Keepers of the Records are enjoined to attend to all rules and orders respecting the duties of their office, which may be prescribed to them by any Regulation published by order of Government, and also to any directions respecting the better keeping, preserving, or registering the accounts and other records of the zillah, which may be issued to them by the Collector under whose superintendence they are to perform the duties of their office.

Fees to be levied by the Collector on the registry of certain papers.

VIII. *First.* Fees, at the following rates, shall be levied by the Collectors of the Revenue on the registry of any division or union of an estate or estates, or of lands held exempt from the payment of revenue.

Second. On any division of an estate or union of estates paying revenue to Government, that may take place under the prescribed Regulations, at the rate of one-quarter or four annas per cent., on the annual jumma or revenue payable to Government from the property included in the union or division.

Third. On any division of lands exempt from the payment of revenue, or any union of such lands forming originally part of the same grant made by the proprietor or proprietors of the grant, at the rate of two and a half per cent., on the amount of the annual produce of the property included in the union or division.

Rates of fees.

IX. *First.* Fees, at the following rates, shall be levied by the Collectors on the registry of any transfer of the whole or the part of an estate or estates, or lands held exempt from the payment of revenue, by deed of sale, of gift, or otherwise.

Second.

Second. If the estate shall be subject to the payment of revenue to Government, one-quarter or four annas per cent., on the annual jumma or revenue payable to Government, from the property transferred.

Definition of the form of annual jumma.

X. Throughout this Regulation, by the annual jumma payable to Government is to be understood the amount of the revenue payable to Government for the years in which the division, union, or transfer may be registered, according to the engagements of the farmers, if the lands be farmed, or the estimated receipts, if no settlement of the lands shall have been concluded on the part of Government, either with the proprietors or with farmers; and by the annual produce of lands held exempt from the payment of revenue, is to be understood the amount of the rents received and receivable by the proprietor or the possessor of the lands, on account of the year preceding the year in which the division, union, or transfer may be registered; and the possessor of such accounts shall be bound to produce them on a written requisition from the Collector, and shall be subject, for non-compliance therewith, to the same process as is authorized for the recovery of arrears of revenue, with the exception of the attachment and sale of the property of the offenders.

Definition of the term annual produce of lands held exempt from the payment of revenue.

The fees to be paid to the Collector, and mode of recovery if not duly paid.

XI. The amount of the fees leviable under this Regulation shall be payable to the Collector on demand; and if not discharged, shall be leviable by the same process as the payment of arrears of revenue due to Government may be enforced.

The fees not to exceed one hundred rupees.

XII. No person shall be liable under this Regulation for the payment of a greater sum than one hundred rupees on account of any transfer of an estate or of lands held exempt from the payment of revenue; and accordingly, when the fee on any such transaction would, calculating according to the rates above prescribed, amount to a greater sum than one hundred rupees, the excess above that sum shall not be demanded or received.

Fees on the division or union of estates to be paid in proportion to the parties' interest.

XIII. The fees on the division of any estate, or the union of estates paying revenue to Government, leviable under Section VIII. of this Regulation, shall be paid on the registry of the same by the parties, in proportion to their interest.

The fees on the transfer of landed property to be paid by the transferees.

XIV. The fees on the transfer of landed property, by deed of sale or gift, or otherwise leviable under Section IX., shall be paid by the party to whom the property may be transferred, on the transfer being entered in the public register of lands.

Fees to be carried to the account of Government, and receipt to be granted to the parties.

XV. All sums which may be received by the Collectors under this Regulation are to be carried to the account of Government, and the Collectors to grant receipts to the parties.

A.D. 1814. REGULATION XI.

A REGULATION, *vesting the Resident at Sinder Droog or Malwan with Powers to hear and determine Civil Suits to a certain Extent, and with Magisterial Authority for the Apprehension and Trial of Persons charged with Crimes or Misdemeanors; and for extending the Jurisdiction of the Court established for Salsette, Caranja, &c. to Sinder Droog or Malwan and its Dependencies:* PASSED *by the Right Honourable the Governor in Council on the 2d of November* 1814 *(corresponding with the 5th of Asvin Vud, Sumbut of Vekramajit Era,* 1870; *Salbahan,* 1736; *and 9th of Zilkaad,* 1229 *Hejry).*

Preamble.

I. WHEREAS, by the fifth article of the agreement concluded between the Rajah of Colapore on the 1st of October 1812, His Highness has ceded to the Honourable Company in perpetual sovereignty the harbour of Malwan (that is to say, the fort and island of Sinder Droog or Malwan, and the forts of Puddunghur, Rauje Cote, and Sirjee Cote, with the lands dependent on the said forts); and whereas it is essential that provision be made for the administration of justice within the territories now dependent, or which may hereafter be annexed to the residency at Malwan, the following rules have been accordingly enacted.

The Resident at Malwan empowered to take cognizance of all suits, and to the extent of five hundred rupees.

His decisions appealable to the Judge for the division of Salsette.

II. The Resident at Sinder Droog or Malwan is empowered to try and decide all causes of a civil nature for money or other personal property, where the amount or value of the thing contested shall not exceed the sum of five hundred rupees, or for malguzaree or revenue land, the annual produce of which shall not be above five hundred rupees, or for lokhirazee or free land, the produce of which may not be more than fifty rupees per annum, his decisions being in all cases appealable to the Judge for the division of Salsette, regulating his proceedings according to the formalities prescribed by Regulation III. and IV. 1799.

III. The undermentioned proportions of the fees collected agreeably to Section III., Regulation VII. 1802, shall be paid to the Resident before whom the suits may be determined, or before whom they may be depending, in the event of the parties adjusting them by razeenamah.

On sums not exceeding fifty rupees, one anna per rupee.

On sums above fifty, and not exceeding two hundred rupees, one anna per rupee on fifty rupees, and half an anna per rupee on the remainder of the sum.

On sums above two hundred, and not exceeding five hundred, on two hundred rupees as above, and two per cent. on the remainder.

IV. In the event of any cause of action arising at Sinder Droog or Malwan and its dependencies exceeding the sums of rupees mentioned in Section III., the Resident shall report the same to the Judge at Tannah, who shall once every year proceed to Sinder Droog or Malwan to clear the file, should there be any duty to discharge, but not otherwise, according to the existing Regulations of this Government.

Vested also with magisterial powers.

V. The Resident is also vested with magisterial powers, and authorized to exercise the same, conformably to the provisions contained in Regulation

tion V. 1799. Previously, however, to his entering upon the execution of the duties of a Magistrate, he shall take and subscribe before the Governor in Council the oath prescribed in Section II. of that Regulation. Persons committed or held to bail by the Resident being remanded to Tannah, to take their trial before the Court of Circuit.

But not to exercise the same without taking the prescribed oath.

VI. The civil and revenue jurisdiction which the Judge and Magistrate is invested with over the islands of Salsette, Caranja, and their dependencies, as mentioned in Section II., Regulation III. 1799, shall extend to Sinder Droog or Malwan.

Jurisdiction of the Judge and Magistrate of Salsette, &c. to extend to Sinder Droog.

A. D. 1814. RULE, ORDINANCE, AND REGULATION I.

A RULE, *Ordinance, and Regulation for vesting any two of His Majesty's Justices of the Peace with Power to decide on all Disputes arising between Masters and Mistresses, and any of their household Servants, Hamauls, or Palanqueen-bearers, and for empowering either of the Magistrates of Police to decide summarily on Acts of Miscarriage and Ill-behaviour, requiring moderate though immediate Correction:* PASSED *in Council on the 23d of March* 1814, *and registered in the Court of the Recorder of Bombay on the 29th of June* 1814.

WHEREAS it has been found expedient to place the various descriptions of household servants, Hamauls, or palanqueen-bearers, in the employ of the European and native inhabitants of this island, under certain regulations, whereby they may be rendered amenable for any acts of misdemeanour or misconduct towards their employers, and at the same time be secured from any loss of wages or ill-treatment on the part of their employers,

Preamble.

Be it therefore ordained, by the authority of the Honourable the Governor in Council now assembled, that from and after the due registry and publication of this Rule, Ordinance, and Regulation, in the Court of the Recorder of Bombay, the said Rules and Ordinance, consisting of the titles and articles hereinafter stated, shall have the full force of law within this island, and shall be strictly obeyed as such by all His Majesty's subects inhabiting the same.

TITLE FIRST.

Regulations with respect to Servants, &c.

ARTICLE I. If any complaints shall arise between any master and mistress and any of their household servants in regard to wages, it shall be lawful for any two Justices of the Peace for the town and island of Bombay, when such differences arise, to examine upon oath any such master or mistress, or any other witness or witnesses, touching any such complaint or disputes, and to make such order for payment of so much wages to such servant, as to such Justices shall seem fit and reasonable; provided that the sum in question do not exceed one month's wages to the servant.

Complaints between master and mistress and household servants, in regard to wages, rendered cognizable before any two Justices of the Peace.

ARTICLE II. That it shall and may be lawful to and for any two Justices, upon application made upon oath by or on behalf of any master, mistress, or employer

As well any acts of misdemeanour or ill-behaviour.

employer against any servant whatever, touching any misdemeanor or ill-behaviour in such his or her service or employment, or in absenting themselves from their service on a false pretence, to hear, examine, and determine the same, and on due proof thereof to punish the offender by commitment to the gaol of the said town and island of Bombay, there to remain and be kept to hard labour for a reasonable time not exceeding one calendar month, or otherwise by abating some part of his or her wages, and by discharging such servant from his or their service and employment.

How to be punished.

No servant to be discharged before the end of his term.

Master and mistress to forfeit twenty rupees on violation of this rule.

ARTICLE III. If any person, after he has hired any servant, shall put away his said servant before the end of his term, unless it be for some reasonable and just cause, to be allowed before two Justices of the Peace for the town and island of Bombay; or if any master or mistress shall put away any servant at the end of his term without seven days' notice given before the said end of such term, that then every such master or mistress so offending shall, on complaint of such servant to any two Justices of the town and island of Bombay, unless he or they be able to prove, by one or more witnesses, a sufficient and reasonable cause for putting away such servant or servants during their term or seven days' warning given before the end of the said term, shall forfeit a sum not exceeding twenty rupees.

Exception.

Servants not to leave their masters before the end of their term, except in certain cases.

ARTICLE IV. If any servant hired by any master or mistress depart from them before the end of his or her term, unless it be for some reasonable and just cause, to be shewn to two of the Justices for the town and island of Bombay, or if any servant at the end of his or her term depart from his master or mistress without seven days' warning, every servant so departing shall, on complaint made thereof by the master or mistress to two of the Justices of the town and island of Bombay, and on due proof thereof, be punished, at the discretion of the said two Justices, by a fine not exceeding one month's wages, or by commitment to the gaol of the said town and island of Bombay, there to be kept at hard labour for a reasonable time not exceeding one month, or otherwise by abating some part of his or her wages.

To be punished, and how.

TITLE SECOND.

Regulations with respect to Hamauls or Palanqueen-bearers.

No Hamauls to be discharged but on one day's previous warning, on being paid one day's wages.

ARTICLE I. No Hamaul shall be discharged without having received one day's previous warning or being paid one day's wages, unless it shall appear to the Magistrates in Petty Sessions, that he has acted improperly: though it may be optional with any master or mistress to keep their Hamauls while in his or her service in arrears for a period not exceeding fourteen days, in order to guard against their absconding without cause, or any other misconduct which may, upon investigation before the proper authority, render it necessary for such arrears of pay to be forfeited.

Time for keeping them in arrears of wages limited.

No Hamaul to leave his service without one day's previous warning, except in certain cases.

ARTICLE II. No Hamaul shall be permitted to leave his service without giving one day's previous warning, unless it shall appear to the said Magistrates that the master or mistress of such Hamaul has acted improperly; and on Hamauls being discharged by any master or mistress, except where misconduct shall appear on their part as aforesaid, without receiving one day's previous warning and the wages due to them, or without receiving, where

no

no such previous warning was given, one day's wages, the Magistrates are hereby empowered to call before them every master or mistress so discharging his or her Hamauls, and to impose such fines upon him or her, as to the said Magistrates may, under all the circumstances of the case, appear reasonable, not exceeding one hundred rupees.

Fines to be levied on masters and mistresses discharging their Hamauls without previous warning.

ARTICLE III. Every Hamaul, except as before excepted, leaving his service without being regularly discharged, shall suffer such punishment as the offence may seem to require. The Magistrates in Petty Sessions shall be authorized to seize and detain in custody all Hamauls not conforming to the above-enjoined regulations, until they shall comply therewith, and if necessary also cause corporeal punishment to be inflicted on them.

Hamauls leaving their service without a discharge to be punished, and how.

ARTICLE IV. And the said Magistrates are hereby also authorized and empowered to summon before them every master or mistress who shall maltreat his or her Hamauls, and inflict such punishment by fine upon the offending party, as to the said Magistrates may appear just and reasonable, not exceeding one hundred rupees.

Masters and mistresses maltreating their Hamauls to be fined.

ARTICLE V. And whereas servants and Hamauls are frequently guilty of various acts of miscarriage and ill-behaviour towards their masters and mistresses which require moderate correction: and whereas, from the Court of Petty Sessions (before whom the offences of servants and Hamauls are now only properly cognizable) sitting but once a week, offenders of the above description are frequently kept in custody for days, not merely to the manifest deterioration of their morals, but to the great inconvenience of their masters and mistresses, who are thereby deprived of their services; now be it enacted and declared to be lawful for either of the Magistrates of Police, upon complaint made by any master, mistress, or employer, against any servant or Hamaul, concerning any misdemeanour, miscarriage, or ill-behaviour in their service, immediately to hear and determine the same, and on such complaint being established by the oath of one credible witness, to punish the offender, either by causing any number of lashes, not exceeding twelve for each offence, to be inflicted on him or her so offending, or by fining him or her any sum not exceeding five rupees for each offence.

Petty offences of Hamauls and servants made cognizable before either of the Police Magistrates.

To be punished, and how.

A. D. 1815. REGULATION I.

A REGULATION *for preventing the Zillah and City Judges and Collectors of the Public Revenue from employing their Native Creditors on their respective Establishments:* PASSED *by the Right Honourable the Governor in Council on the 15th of March* 1815 *(corresponding with the 5th of Falgoon Sood, Sumbut or Vekramajit Era,* 1871; *Salbahan,* 1736; *and 3d of Rubyool Akhir,* 1230 *Hejry).*

I. WHEREAS it is necessary to guard against the public inconvenience which may arise from persons, invested with important and responsible offices, employing on their establishments natives being their private creditors;

Preamble.

tors; and whereas it is essential to discourage the practice among the junior part of the service of contracting debts, which not only prove a source of great personal embarrassments to them as individuals, but are likewise entirely incompatible with that independence and freedom of action which it is essential on public grounds that persons succeeding to responsible offices should enjoy; the following rules have been enacted, to be immediately in force throughout the provinces immediately dependent on the presidency of Bombay.

The Zillah and City Judges, and Collectors of the public revenue and others, prohibited from employing on their establishments any natives being their private creditors.

II. From and after the promulgation of this Regulation, no person being a creditor of any Zillah or City Judge or Magistrate, or any Collector of the land Revenue or Customs, shall be appointed to any official situation on the establishment of the person whose creditor he may be; all officers, therefore, in the departments above-mentioned, on submitting for the confirmation of Government the appointment of any officers to subordinate situations on their establishment, shall accompany their applications with a declaration, on honour, that the persons so recommended have no claims of a pecuniary nature upon them whatever.

The foregoing rules to be equally applicable to the relatives and dependents of such native creditors.

III. The rules contained in the preceding section, for precluding the creditors of the public officers above-mentioned from being employed on their public establishments, shall be considered equally applicable to the relatives and dependents of such creditors: the former, as well as the latter, shall consequently be equally precluded from being employed on the establishments of any of the public officers above described.

The present Regulation not applicable to the Commercial Residents and Agents.

IV. In order to prevent misconstruction, it is hereby explained that the foregoing provisions are not intended to apply to the Commercial Residents and Commercial Agents.

A.D. 1815. REGULATION II.

A REGULATION *for trying the Validity of Titles of Persons receiving, or claiming a right to receive, Pensions and annual charitable Allowances in the Territories acquired by Conquest or ceded to the Honourable the English East-India Company, in the Province of Guzerat, or within any Part of the Territories subject, or which may hereafter be subject to the Government of Bombay:* PASSED *by the Governor in Council on the 5th of April* 1815 *(corresponding with the* 11*th of Falgoon Vud, Sumbut or Vekramajit Era,* 1871; *Salbahan,* 1736; *and* 24*th Rubyool Aklur,* 1230 *Hejry).*

Preamble.

I. Sundry claims to pensions and to charitable allowances, which owe their origin, particularly in the pergunnah of Broach, to the Moghul Government, and to that of the Mahrattas prior to the first conquest of that district by the English, and to Scindia subsequently to its cession to him on the 6th of June 1782, having been preferred to the Governor in Council, and it being essential that just and equitable rules should be prescribed for determining the continuance or discontinuance of allowances of those descriptions, payable in ready money from the treasuries in the zillahs of Surat, Broach,

Broach; and Kaira, or from any of the treasuries within the territories now subject, or which may hereafter be subject to the Government of Bombay, the following Regulation has been accordingly enacted.

Pensions to be considered as property.

II. Pensions which may have been granted by the Native Governments, either wholly or in part, as indemnifications for altumgah, ayma, or other land (held by sunnuds conferring a right in perpetuity) resumed by such Government, shall not be liable to resumption on the death of the persons who now receive them, notwithstanding that such resumption made part of the original order issued for the confirmation of them, but are to be regarded as property, and are to descend to the heirs of the present and future receivers, and are declared liable to be sued for and inherited, in the same manner as other property pensions.

Certain pensions to determine on the demise of the party.

III. Pensions which may have been, in like manner, granted as an indemnification for lands resumed by the late Government, held only under a life tenure, shall be continued during the lifetime of the persons who were in receipt of them at the time of the cession, whether they be the original grantees or their heirs.

Pensions to be continued during the lives of the persons who received them at the time of the cession, whether the original grantees or not.

IV. *First.* Pensions or charitable allowances which may have been granted by the late Government to the indigent, aged, or helpless, under sunnuds or certificates, specifying that such pensions were to cease on the demise of the holders, shall be continued to the persons who received them at the periods specified in Section II., Regulation III. 1814, during their respective lives (the 1st of October 1812 being fixed in respect to Malwan and its dependencies), whether they be the original grantees or not, and notwithstanding that such pensions may have been granted by the Aumils, provided they were regularly charged in the Aumils, or Fernavese's accounts, and admitted, or not struck off, by the late Government, they shall in like manner be continued to the present receivers, should it appear that they have been in the uninterrupted receipt thereof during a period of three years prior to the cession, or for such other period of time as, from the circumstances of the case and the situation and condition of the claimants, may reasonably constitute a prescriptive right to the continuance of the pension.

Claims to pensions, not paid for three years antecedent to the cession, to be submitted to the Government.

Second. Where a claim may be preferred to a pension which shall not have been paid to the claimant for the period of three years antecedent to the cessions, and the Collector may be of opinion that the claim is of such a nature as to merit the consideration of Government, he shall submit the proceedings on the subject of such claims for the orders of the Governor in Council, whatever may be the amount of the claim.

Pensions granted for religious purposes to be continued.

V. Pensions granted to Fakeers and other religious persons, for the purpose of lighting mausoleums or mosques, or for that of repairing them, as also to enable them to perform their religious ceremonies, shall be continued; but pensions of this description are not to be considered as of a personal nature, and the Collector shall be responsible for their being applied to the purpose for which they were bestowed.

Prescriptive right to be sufficient proof where written documents cannot be produced.

VI. Where sunnuds, certificates, or other deeds, cannot be produced, the prescriptive right arising from long receipt shall entitle the claimant to a continuance of the pension.

VII. In

In what manner the sum to be paid the pensioners is to be ascertained and fixed.

VII. In fixing the sum to be paid to the pensioners, the Collector is not to be guided by the amount that may be stated in their respective certificates, but by the amount as may appear from the pergunnah or zillah accounts they were in the habit of receiving, provided such sum does not exceed that stipulated in the certificate, which shall in such case become the standard.

Pensions how issuable.

VIII. All pensions are to be issued from the zillah treasuries, and are not to be deducted from any particular article of revenue arising to Government.

For what future or renewed pensions the Collector is to grant certificates.

IX. For every pension which may be hereafter granted by the Governor in Council, or that may be renewed on the demise of a pensioner, and which may be issuable from the before-mentioned treasuries, the Collector shall deliver to the party by whom the pension is to be received a certificate, stating the amount of the pension, the title of the party thereto during his or her life, the ground of such title and the date of the grant.

Register of pensions to be kept.

X. *First.* The Collector is to keep a separate list of all pensions paid under this Regulation, and is to number and register the certificates or other sunnuds and vouchers under which they are held, in a register, in the English and Guzeratte languages, to be kept for this purpose; and he is to be careful to note therein such personal identifications of the parties receiving the pensions, as may be likely to detect any future attempt to transfer them to others.

The Collectors to correct the registers whenever a pension may revert to Government, &c.

Second. It shall likewise be the duty of the Collectors to correct the said register carefully as often as any pensions may revert wholly or in part to Government, or whenever other individuals than those by whom the pensions are at present received shall be adjudged entitled to the reversion of them.

Rule for the payment of one hundred rupees per annum by the Collector.

XI. All persons receiving pensions exceeding one hundred rupees per annum, are to attend the Collector in person at stated periods, to receive the amount of their respective pensions: and the Collector is prohibited from issuing any pensions excepting to the parties personally; unless they shall be disabled from attending by illness, or other sufficient cause, of which satisfactory proofs shall be exhibited. The Collector, on being satisfied of the inability of the parties, whether from age, sex, or distance of abode, to attend in person, is permitted to issue their pension to their authorized Vakeels, but he is to take due precautions to prevent impositions after the death of the pensioners; and in the event of any pension not being claimed within six months after it may become payable, he is to ascertain whether the party who received it be deceased, and report accordingly.

Persons receiving pensions not exceeding fifty rupees per annum, to attend once in each year at the cutcherries of the Collectors, on the issue of the first quarterly payment, for the purpose of identifying themselves.

XII. *First.* Persons entitled to pensions not exceeding fifty rupees per annum shall attend once in each year, that is on the issue of the first quarterly payment, at the cutcherries of the Collectors, for the purpose of identifying themselves by reference to the registers ordered to be kept by Clause first, Section X. of this Regulation, and by such other inquiries as the Collectors may deem it necessary to make, in order to guard against frauds in the payment of such pensions: provided, however, that in cases in which the Collectors may be satisfied, after making the fullest inquiries possible on the subject, that the pensioners are actually precluded by sickness or infirmity from attending in person, or that they are women who, according to the usages

usages of the country, do not ordinarily appear in public, the first quarterly payment shall be issued to any person duly authorized to receive the amount on the part of such pensioners.

Second. The three remaining quarterly payments shall be made by any officer on the regular establishments, to whom the Collectors may think proper to commit the performance of this duty. It shall be the duty of the officer so selected to repair to the residence of the different pensioners, to ascertain fully whether the recorded pensioners be living, whether the persons claiming the different pensions be the persons actually authorized to receive them, to issue such pensions only as are indisputably receivable, to refer all questions of doubt to the Collector for his orders, and finally to report the result of the duty intrusted to him.

The three remaining quarterly payments of the pensions may be made by any officer whom the Collector may direct to perform that duty.

XIII. Persons entitled to pensions of the nature set forth in Section II. of this Regulation, are not required to attend in person to receive their pensions, but may depute a Vakeel, or assign their right to another by a regular deed.

Exceptions to Sections XIII. and XIV.

XIV. Pensions granted by the Moghul or Mahatta Government to persons not residing within the Company's territories, or who are not subjects of the Honourable Company, are to cease; unless the parties shall have become permanent residents in the Company's territories subsequently to the dates specified in Section II., Regulation III. 1814: except in such cases where the interspersed nature of the territories of the Honourable Company and of the states in alliance with the British Government shall, in the opinion of the Collector, render such a deviation from the established Regulations unobjectionable, in all which instances the pensions are not however to be paid, unless the Collector shall be satisfied of the existence of the parties entitled to receive the same.

XV. The continuance or discontinuance of all pensions, except those set forth in Section II. of this Regulation, shall, after the death of the pensioners who now receive them, depend solely on the pleasure of Government, and shall not be subject to cognizance or determination in any court of justice. It shall be the duty of the Collector to see that all just and authorized pensions are duly paid: and where any person may deem himself aggrieved by the act of the Collector in respect to a pension, it shall be competent to him to sue for redress in the civil court of the district.

Claim to the continuance of pensions not subject to judicial cognizance, except such as are granted under Section II.

XVI. The Collector, under the rules above laid down, or such as may be hereafter prescribed, is authorized to decide on the claims preferred to him to the amount of one hundred rupees per annum, but no further; subject to an appeal, within one month from the date of the decision, to the Zillah Judge, and to a further appeal from the Judge's decision, within the same period, to the Governor in Council.

Collectors to decide on pensions as high as one hundred rupees per annum.

XVII. The Collectors are to keep separate proceedings on the subject of the pensions to which this Regulation relates, and submit a monthly abstract of them to the Revenue Accountant and an annual one to the Governor in Council.

Collectors to keep separate proceedings, and submit a monthly abstract to the Revenue Accountant.

To submit proceedings on pensions exceeding one hundred rupees per annum, with opinion for the orders of the Governor in Council.

XVIII. The Collectors are to transmit their proceedings on all claims to pensions exceeding one hundred rupees per annum, including their opinion on each case, for the orders of the Governor in Council.

A reward equivalent to the amount of any pension for the period of six months, will be paid to any person who may prove that the pension is fraudulently received.

XIX. With a view to the effectual discovery and suppression of abuses with respect to the pension list, a reward shall be paid, equivalent to the amount of any pension for the period of six months, to any person who shall prove through the regular channel, to the satisfaction of the Governor in Council, that such pension is fraudulently or unduly received by the pensioner enjoying the benefit of it.

A. D. 1815. REGULATION III.

A REGULATION *for defining the Powers to be exercised by the Senior Magistrate of Police in Revenue Matters within the Town and Island of Bombay:* PASSED *by the Right Honourable the Governor in Council on the 24th of May* 1815 *(corresponding with the 1st of Vysack, Vud, Sumbut or Vekramajit Era,* 1871; *Salbahan,* 1737; *and 14th Jumady-ul-Akhir,* 1230 *Hejry).*

Preamble.

I. IT being necessary to prescribe the duties to be performed by the senior Magistrate of Police of a Revenue description within the town and island of Bombay, the following Regulation has been enacted.

II. All legal powers, duties, and functions, imposed on or vested in the late Superintendent of Police by any Regulation now in force, are hereby transferred to the senior Magistrate of Police for the town and island of Bombay.

III. Regulation IV. 1803 is hereby repealed, and the senior Magistrate of Police for the town and island of Bombay shall exercise the functions o a revenue Judge in all matters relating to the revenue of the said town and island, according to the Regulations that have been passed or may hereafter be enacted, and shall take the oath prescribed for a revenue Judge accordingly.

IV. Nothing in the Regulation shall be construed or taken to suspend or repeal Regulation VI. 1814.

A. D. 1815. REGULATION IV.

A REGULATION *for extending and prescribing the Authority to be vested in the Residents at Fort Victoria and Malwan and the Revenue Judge of Bombay in the Trial of Civil Suits, and for regulating Appeals from their Decisions:* PASSED *by the Right Honourable the Governor in Council on the 5th July* 1815 *(corresponding with the 13th of Jest, Vud, Sumbut, or Vekramajit Era,* 1871; *Salbahan,* 1737; *and the 26th Rujub,* 1230 *Hejry).*

Preamble.

I. WHEREAS the judicial powers vested in the Residents at Bancoote and Sinder Droog or Malwan, by Regulations I. 1811, and XI. 1814, are limited to the cognizance of causes of a civil nature for money or other personal property,

perty, where the amount or value of the thing contested shall not exceed at the former station the sum of rupees one hundred, and at the latter rupees five hundred, or in respect to Malwan exclusively, for malguzaree or revenue land the annual produce of which shall not be above five hundred rupees, or for lokhirazee or free land the produce of which may not be more than fifty rupees per annum; and whereas considerable inconvenience has been experienced from the remote situation of those districts and their dependencies, particularly of Malwan, from the island of Salsette, and whereas it is expedient that a more speedy and efficient course should be established for the administration of justice within the territories which now are or hereafter may be dependent on Fort Victoria and Malwan, and whereas no provision has yet been made for regulating the extent of the authority to be exercised by the Revenue Judge of Bombay, and whereas it is expedient that appeals from their decisions should be made to a nearer tribunal than the Court of Appeal, the following rules are enacted accordingly.

II. Section II., Regulation I. 1811, and Sections II., III., IV., and VI., Regulation X. 1814, are rescinded.

III. The Residents at Fort Victoria and Malwan are empowered to try without limitation, and decide on all suits and complaints of a civil nature, for money or personal or real property, or of malguzaree or revenue land, or for lokhirazee or free land, which may arise within the territories which now are, or hereafter may be dependent on those zillahs respectively, according to the forms prescribed by the Regulations for the administration of justice under this presidency.

IV. The payment of fees on the institution and trial of suits by the Residents at Fort Victoria and Malwan shall be regulated conformably to Regulation VIII. 1802.

V. The cognizance of cases of a revenue description specified in Section III. bear reference only to complaints between individuals, and in which the Company may not be a party. All complaints against the Residents in their official capacities as Collectors of the revenues and customs, and their Assistants and native officers, are hereby declared to be amenable to the Judge of Salsette.

VI. The Residents are, however, directed to receive and file all suits and complaints referred to in the preceding section, and to forward monthly returns of the same to the Judge at Tannah, to enable him to determine upon the necessity of repairing to those stations respectively for the trial of the same.

VII. An appeal is to lie to the Governor in Council, in the separate department of Sudder Adawlut, from the decision of the Residents, in all suits on matters where the cause or action shall amount to the sum of four hundred rupees and upwards, and the Residents are invariably to state, in every decree, the grounds on which they may pass their decision.

VIII. The Revenue Judge for the island of Bombay appointed on the 25th of March 1812, shall also take cognizance of all suits or complaints in the departments of Customs and Revenue, conformably to the existing Regulations,

lations, without limitation in regard to the amount of the suits. An appeal shall, however, lie to the Sudder Adawlut from the decision of the Revenue Judge, in all suits or matters where the cause or action shall amount to the sum of four hundred rupees and upwards.

A. D. 1815. REGULATION V.

A REGULATION *for the occasional Appointment of Assistant Judges of the Zillah and City Adawluts, and for altering and extending the jurisdiction of the Registers, Assistants, and Native Commissioners of those Courts:* PASSED *by the Governor in Council on the* 19*th July* 1815 *(corresponding with the* 13*th Assad, Sood, Sumbut, or Vekramajit Era,* 1871; *Salbahan,* 1737; *and* 11*th of Shaban,* 1230 *Hejry).*

I. THE number of civil causes depending before the Judges of some of the Zillah and City Courts being so considerable, that great delay must occur in the investigation and decision of them, and of other causes that may be instituted previous to their determination, unless some provision be made to expedite the same, and the accumulation of such causes having chiefly proceeded from accidental circumstances, the effect of which may be removed by a temporary arrangement for the trial and decision of the causes in arrear, without a permanent alteration of the established jurisdictions; it is expedient that provision be made for the occasional appointment of an Assistant Judge, to assist in the trial and decision of causes depending before the Judge of any Zillah or City Court in which such an appointment is now required, under the circumstances above stated, or may hereafter become requisite under a recurrence of similar circumstances, and to expedite the general administration of justice in the Zillah and City Courts, it is also expedient that the Judges should be empowered to refer for trial to their Assistants and Native Commissioners suits exceeding in amount or value the sum to which they are at present respectively restricted.

Provision for appointment of Assistant Judges when requisite.

II. *First.* When the number of civil causes depending before the Judge of any Zillah or City Court may be such as to require the aid and appointment of an Assistant Judge for the speedy investigation and decision of such causes, the Governor in Council, at the recommendation of the Court of Sudder Adawlut, or otherwise, if it shall appear to him expedient, will appoint an Assistant Judge for the zillah or city wherein it may be requisite, to be denominated "Assistant Judge of the Adawlut of such zillah or city;" or may direct the Register to officiate as an Assistant Judge, who, previously to entering upon the execution of the duties of his office, shall take and subscribe before the Governor in Council, or before any person whom he may commission to administer it, the same oath as is directed by Section III., Regulation III. 1799, to be taken and subscribed by the Judges of the Zillah and City Courts.

Oath to be taken by persons so appointed.

Second. The Assistant Judges so appointed are empowered to try and decide, according to the Regulations in force for the administration of civil justice,

justice, any causes depending before the Judge of the zillah or city in which they may be appointed to officiate, that shall be referred to them by the Judge; and the Judges of the zillahs and cities wherein such Assistant Judges may be appointed, are empowered to refer to them from time to time, during the continuance of such special appointments, any cause or causes depending in their respective courts, whether original suits or appeals from the decisions of their Registers or of the Native Commissioners.

Third. The section of the particular causes to be so referred to the Assistant Judge, and the number of causes to be referred to them at any one time, are left to the discretion of the Zillah or City Judge, on a general consideration of the business depending before himself and Register, and the number of causes already under reference to the Assistant Judge; but he is to be guided, as far as circumstances may admit, by the rule contained in Section XVIII., Regulation IV. 1799, which directs, with certain exceptions, that depending causes be brought on for trial according to the order in which they may be filed. This rule is also to be observed by the Assistant Judges in the trial of causes referred to them.

General rule to be observed in referring and trying such causes.

Fourth. The Assistant Judges appointed under this Regulation are to try the suits referred to them in open court, to be held in the court-house of the Zillah or City Adawlut, or in some convenient place adjacent thereto; and a sufficient number of authorized pleaders of the Zillah or City Court shall be directed to attend the court of the Assistant Judge; or, if necessary, an additional number shall be appointed for this purpose, under the provisions contained in Regulation XIV. 1802; any additional establishment of ministerial officers which may be required to attend the Assistant Judges, in performance of the duties prescribed by Regulation IV. 1800, will also be provided for by the Governor in Council. But the Mahomedan and Hindoo law officers of the Zillah and City Courts are to expound the law, in all cases wherein it may be requisite, for the determination of causes referred to the Assistant Judge.

Assistant Judges to try causes in open court.

Court where to be held.

Authorized pleaders to attend the court;

and additional pleaders to be appointed if necessary.

Governor in Council will provide the requisite establishment of ministerial officers;

but law officers of the Zillah and City Courts to expound the law.

Fifth. All process which it may be necessary to issue in suits referred for trial to an Assistant Judge, shall be issued under the seal of the Zillah or City Court and the signature of the Assistant Judge, and shall be executed by the officers of the Zillah or City Court, in like manner as all similar processes are issued in causes tried by the Judge. The process signed by an Assistant Judge in suits referred to him, shall be considered of the same force and validity as process signed by the Judge; and any disobedience or resistance thereto shall be equally liable to the penalties declared by the Regulations, for disobedience or resistance to similar process issued by the Judges of the Zillah and City Courts.

Process in suits referred to Assistant Judges, by whom and in what manner to be issued.

Penalty for disobedience or resistance to such process.

Sixth. In the trial of all causes referred to an Assistant Judge, he is to be guided by the same rules as are prescribed for the trial of the same causes before the Judges of the Zillah and City Courts; and his decisions are to be held final or appealable to the Provincial Court of Appeal of the division, under the prescribed rules for appeal, according as the cause would or would not have been appealable to the Provincial Court, if it had been decided by the Judge of the Zillah or City Court.

Rules to be observed by Assistant Judges in the trial of all causes referred to them.

And in what cases their decisions to be held final appealable to the Provincial Courts.

Seventh. In cases wherein an appeal may lie to the Provincial Court from the decision of an Assistant Judge, as well as in all cases wherein the Pro-

Process of Provincial Courts respecting causes depending before, or decided by

Assistant Judges, how to be transmitted and executed.

vincial Court of Appeal may have occasion to issue process with respect to causes decided by or depending before an Assistant Judge, such process shall be transmitted to the Judge of the zillah or city, who shall forward the same to the Assistant Judge, or shall himself comply with the exigency of it if the Assistant Judge be not at the time present, or his office shall have been discontinued, or if from any other cause such process cannot be complied with by the Assistant Judge.

Returns from Assistant Judges, and all communications from them to the Provincial Courts or other courts or officers, how to be made.

In like manner, all returns to the Provincial Court by an Assistant Judge, as well as all other communications by an Assistant Judge to a Provincial Court, or to any other court, authority, or office, shall be made through the Judge of the zillah or city wherein he is employed.

In the event of the Register of any court being nominated to officiate as the Assistant Judge, the Judge shall be empowered to refer to the Assistant to the Register suits cognizable by the Register; and to the Native Commissioners of the court (should no other European Assistant be attached to the court), suits which are cognizable by the permanent Assistant; the officiating Register, the acting Assistant, and the Native Commissioners being, in such cases, guided in all matters relating to appeals, to practice and forms, by the existing Regulations applicable to their respective jurisdictions.

In matters of practice and form not provided for by the Regulations, Assistant Judges to be guided by instructions of the Court of Sudder Adawlut.

In all matters relating to practice and form not provided for by this or any other Regulation, and to appeals, the Assistant Judges, Acting Registers, and Acting Native Commissioners who may be appointed under this Regulation, shall be guided by such instructions as they shall receive, through the Judges of the Zillah or City Courts to which they may be attached, from the Court of Sudder Adawlut.

The Court of Sudder Adawlut are to report to the Governor in Council whenever, from the number of causes depending before the Judge of any Zillah or City Court, they may be of opinion that an Assistant Judge should be appointed under this Regulation, as well as when, from the decision of the causes in arrear, or for any other reason, such provisional appointment may appear to them no longer necessary.

A. D. 1815. REGULATION VI.

A REGULATION *for establishing annual Vacations of the Civil Courts of Justice; for postponing the Commencement of the Jail-deliveries, during such Vacations:* PASSED *by the Right Honourable the Governor in Council on the* 19*th of July* 1815 *(corresponding with the* 13*th Assad, Sood, Sumbut or Vekramajit Era,* 1871; *Salbahan,* 1737; *and* 11*th of Shaban,* 1230 *Hejry).*

I. THE Hindoo native officers employed in the courts of justice, as well as the Hindoo Wukeels attached to these courts, being in general solicitous to have leave of absence at the annual festival of the Dusserah, for the purpose of celebrating this festival, and at the same time visiting their families, and the Mohummudan officers and Wukeels being usually desirous to have leave of absence, for similar purposes, at the festival of the Mohurrum, the Governor

Governor in Council has judged it advisable to authorize a general adjournment of the Civil Courts at the periods of the above festivals; in allowing which, he has it further in view to enable such of the Judges and Registers as may require temporary leave of absence from their stations for any private purpose to apply for the same at a period when the adjournments of the Civil Courts may admit of it, with less public inconvenience than when both the Civil and Criminal Courts are open; and in consequence of the opportunity thus given them to apply for leave of absence during the fixed vacations, it is expected they will not make such applications at any other period, except in cases of indispensable necessity.

Provincial, Zillah, and City Courts to be annually adjourned at the Dusserah and Mohurrum.

II. The Provincial, Zillah, and City Civil Courts shall be annually adjourned during the Hindoo festival called Dusserah, which occurs in the Guzerattee month Aso or Kartik, corresponding with the English month of September or October; and also during the Mohummudan festival Mohurrum, which depending on the lunar year is not fixed to any particular month.

Period fixed for the two vacations.

The former adjournment (or Dusserah vacation) shall commence ten days before this festival and continue for the period of one month of thirty days; the latter adjournment (Mohurrum vacation) shall commence five days before this festival and continue for fifteen days. Under this rule, when the time of the two festivals may coincide, the vacations also will of course be blended, and no separate adjournment will be necessary; except as far as the fixed period for the one may extend beyond that of the other, as when part of the Mohurrum vacation only may fall within the period fixed for the Dusserah vacation; or, on the other hand, when part of the latter only may fall within the period of the former.

Sudder Adawlut may adjourn that court or not, as they may judge proper.

III. The Court of Sudder Adawlut are authorized to adjourn that court during the period of the two vacations above-mentioned, or otherwise, as they may judge proper.

But no jail delivery to be postponed on this account when the circuits shall have commenced.

IV. The Provincial Courts of Circuit being directed by the Regulation VIII. 1812, to commence their circuits on the 1st January, 1st May, and 1st September of each year, and as these dates may occasionally fall within the period of one of the vacations above authorized, when this may happen, the commencement of such circuit shall be postponed until the expiration of the fixed period for the vacation, or as long as the Magistrates of the zillahs where the first jail delivery is to be held may, on a reference from the Courts of Circuit, state to be necessary on this account; but after the actual commencement of the Circuit no jail delivery shall be postponed on account of either of the vacations above noticed, nor shall the attendance of any person required before the Court of Circuit be dispensed with on account of the vacation in such instances, which however can seldom occur.

Nor the attendance of persons required before the Court of Circuit dispensed with in such instances.

A. D. 1815. REGULATION VII.

A REGULATION *for referring to Arbitration Suits and Contests respecting Land:* PASSED *by the Governor in Council on the 26th July* 1815 *(corresponding with the 5th Assad, Vud, Sumbut or Vekramajit Era,* 1871*; Salbahan,* 1737*; and 18th of Shaban,* 1230 *Hejry).*

Preamble.

I. WHEREAS, no provision has been made by the existing Regulations for referring to arbitration suits and contests respecting land, and it is expedient to provide for the same, and whereas doubts exist as to the construction of Section VI., Regulation VI. 1800, whether it admits of arbitrators sending their awards or appearing in person to deliver the same;

The following rules have been passed, to be in force from their promulgation throughout the territories immediately dependent on the presidency of Bombay.

Parties in suits respecting land are at liberty to refer their suits to arbitration.

II. *First.* Parties in suits depending in the Civil Courts of Judicature, respecting the property in land, or limited tenures therein or rights dependent thereon, shall be at liberty to refer their suits to arbitration, and shall by all due means be encouraged by the courts to resort to that mode of adjusting their differences.

Rules contained in Regulation VI. 1800 to be considered applicable to suits referred to arbitration under the present Regulation.

Second. The rules contained in Regulation VI. 1800, respecting the reference of suits to arbitration, the appointment of arbitrators and umpires, the investigation of suits referred to arbitration, the time and mode of making the award, and the setting aside or confirming the same, are declared applicable to suits referred to arbitration by the courts of judicature under this Regulation.

Persons between whom disputes may exist respecting land, are at liberty to refer the same to private arbitration.

III. *First.* Persons between whom disputes may exist respecting the property of land or limited tenures therein, or rights dependent thereon, whether the same be or be not depending in the court of judicature, are at liberty, without any application to the courts, to refer the same to private arbitration, and the awards made by the arbitrators and umpires, appointed in such case by the parties, shall be supported and enforced by the courts, under the following rules and limitations.

How the award is to be carried into execution, and during what period.

Second. Whenever a dispute respecting the matters enumerated shall have been referred to private arbitration, and an award shall have been duly made, if either party shall refuse to perform the award, it shall be competent to the other party, within the period of six months from the date of the award, to apply summarily to the Dewanny Adawlut, and upon such application, if the court, after calling upon the opposite party for his answer, be satisfied that the award was duly made by arbitrators or umpires appointed by the free will and consent of the parties, and such award shall be liable to no impeachment, which would have warranted the setting it aside if it had been made under the authority of the court, shall cause the same to be summarily executed as a decree of court, calling upon the arbitrators and umpires, if necessary, to attend and give their assistance in the execution of their said award: Provided always, that if such application for the enforcement of a private award shall not be made within the period above prescribed, the court shall not admit any plea whatever for delay, but shall reject such application and refer the party preferring it to a regular suit.

Third.

Third. Whenever private awards shall be tendered by the parties in regular suits, the courts, if such awards shall appear to have been performed, and the possession of the contested property to have been held under them, shall allow equal validity to the same as if they had been made under the authority of the courts. But if the awards tendered shall not have been performed at all, or shall have been performed only in part, the courts shall not admit the same, unless they be established by clear and satisfactory proof, shall be distinct and intelligible so as to admit of easy execution, and the delay which may have accrued in the performance of them shall also be duly accounted for.

Whenever private awards are tendered by the parties in regular suits, the courts how to proceed in those cases.

IV. There being reason to believe that decrees have been passed by many of the civil courts of judicature, founded both upon awards made under the authority of the court, and also private awar dsrespecting the property in land and limited tenures therein and rights dependent thereon, it is hereby declared, that after the promulgation of this Regulation, no decree relating to the matters above enumerated shall be amended or reversed, upon the ground of the same being founded on an award of arbitration not authorized by the Regulations at the time the award was made, unless such award be in itself open to just cause of impeachment.

No former decrees of court on awards of arbitration respecting land shall be amended or reversed after the promulgation of the present Regulation.

Exception in what cases.

V. Doubts having arisen as to the construction of Section VI., Regulation VI. 1800, it is hereby declared, that in order to encourage men of respectability to become arbitrators, it is sufficient that on the case being transmitted to them, and after due investigation thereof, the award be delivered into court through their Vakeels, Mooneem-gomashtas, or other authorized agents, specially empowered by them so to do.

Section VI., Regulation VI. 1800, amended, and arbitrators allowed to deliver in their awards through their constituted agents.

A.D. 1815. REGULATION VIII.

A REGULATION *for extending to the Commercial Residents, their Deputies, and Assistants, the Privilege of trading on their own Account:* PASSED *by the Governor in Council on the 30th August* 1815 *(corresponding with the 10th Shravan Vud, Sumbut or Vekramajit Era,* 1871; *Salbahan,* 1737; *and 24th of Ramzan,* 1230 *Hejry).*

I. THE Honourable the Court of Directors having permitted Commercial Residents and their Deputies and Assistants to be concerned in private transactions of a commercial nature on their own account and as agents for others, and whereas it is essential to define the terms on which Commercial Residents and their Deputies and Assistants are allowed to engage in such transactions, the Governor in Council has enacted the following rules for that purpose.

Preamble.

II. *First.* Previously to Commercial Residents, their Deputies and Assistants, engaging in Commercial concerns on their own account, or as agents for others, in articles that enter into the Honourable Company's investments, they shall make application to the Governor in Council for permission.

Permission must first be obtained through the Governor in Council.

Periodical accounts of the extent of trade to be submitted, which is liable to discontinuance by orders of the Governor in Council.

Second. In cases where permission may be granted, the Commercial Residents, their Deputies and Assistants, shall furnish to the Governor in Council every quarter, or oftener if required, an account of the extent of the trade carried on by them in the articles above adverted to, and shall be liable to such orders as the Government may consider it necessary to give on the occasion.

Regulations for private traders applicable to the commercial servants.

Third. In their dealings with weavers on their private account, the Commercial Residents, their Deputies and Assistants, shall be subject to the same regulations as other private traders.

Commercial servants before completing the Company's investment not to trade in the same articles.

III. Commercial Residents, their Deputies and Assistants, shall not act as agents for others, nor be engaged in purchases on their own account, in cotton or any other of the raw products of the country which the Company may have occasion to provide, until their investment shall be completed, or so long as it may be necessary for the Company to go into the market for that purpose.

A. D. 1815. REGULATION IX.

A REGULATION *for collecting the Tax on Houses on the Island of Bombay, situated beyond the Limits of the Town as fixed in* 1794, *which Tax was imposed by the Order and under the Authority of the Right Honourable the Governor in Council on the 20th January* 1813, *and confirmed by the Statute of the 54th Geo. III. Cap.* 105: PASSED *by the Governor in Council on the 6th of September* 1815 *(corresponding with the 3d of Bhadrapud, Sood, Sumbut or Vekramajit Era,* 1871; *Salbahan,* 1737; *and 1st of Shaval,* 1230 *Hejry).*

Preamble.

I. The Governor in Council having resolved that the tax on houses on the island of Bombay shall be applied to the maintenance of a more efficient police on the said island, the following rules and regulations are hereby established for the collection of the said tax.

Collectors of revenue entrusted with the collection of the tax on houses.

II. The Collector of Bombay shall be entrusted with the collection.

All religious edifices exempted from the tax.

First. All religious edifices are hereby declared to be exempt from the payment of the said tax.

Houses, &c. of the military within the limits of military cantonments exempted from the tax.

Second. All temporary houses, bungalows, or other temporary buildings, situated within the limits of military cantonments, and occupied by European and native officers, or by the soldiers and sepoys of His Majesty's and the Company's army, shall be exempted from the payment of the said tax.

An assessor to be appointed with salary.

III. *First.* An assessor shall be appointed by the Governor in Council to adjust the assessment on the said houses, in conformity to the rules established by the present Regulation, with such salary as may be thought proper.

Native Receivers to be appointed to realize the tax, who shall be remunerated by a salary, and shall give security.

Second. In like manner a native Receiver or Receivers shall be appointed by the Collector, to realize the tax according to the assessment to be fixed under the present Regulation. Receivers so appointed shall be remunerated by such monthly salary, as the Governor in Council may think proper. Persons

sons appointed under this Regulation to the office of Receiver of the tax shall give security for the due performance of the duties of his or their office, to such an amount as may be deemed sufficient for securing the public against any loss that might otherwise be sustained by any pecuniary defalcation.

Assessors and Receivers to take the following oath.

IV. *Third.* The Assessor and Receivers respectively of the house-tax, previously to entering upon the execution of their duties, shall take and subscribe the following oath:

Oath.

"I, A. B., appointed to assess (or collect) the house-tax for the year ....., "in division (or ward) No. ....., of the city or town of ....., swear, "that I will assess (or collect) the tax on houses fairly and impartially, "according to the rules prescribed in Regulations ..... 181, and that I "will render a true account of the same to the Collector of Bombay.

Rules as to persons exempted from taking oath.

Fourth. If any person appointed to be a receiver should be of a rank or cast to entitle him to an exemption from taking an oath, he shall make and subscribe a solemn declaration to the same effect.

Description of houses subject to the tax, and rate of assessment.

Fifth. Dwelling-houses of every description, whether of straw, mud, or of whatever other materials they may be constructed, which shall yield an annual rent of twenty rupees and upwards, shall respectively be assessed at the rate of five per cent. on their annual value. Such tax to be collected from the 1st of January 1816.

Houses occupied by the proprietors themselves how to be assessed.

V. In cases wherein such houses may be occupied by the proprietors themselves, or wherein no rent may be received for them from the occupants, the tax shall be adjusted from a consideration of the annual value of other houses of the same size and description in the neighbourhood.

Proprietors of more than one house, the value of each of which is below twenty rupees, to be assessed.

VI. Persons possessing more than one house, the annual value of each of which shall be below twenty rupees, are to be assessed at the rate above stated, on the aggregate rent of such houses.

Collector to furnish abstract statements of assessment, for the approval of the Governor in Council.

VII. As soon as the assessment shall have been completed, the Assessor shall furnish an abstract statement thereof, with such further information on the subject as may be requisite or be called for, to the Governor in Council for his approbation; and on such assessment being approved, the collection of the tax shall be levied by the Collector.

Annual revisions of the assessments to be made and submitted for the sanction of the Government.

VIII. The Assessor shall annually revise the assessment, taking the former assessment as the basis of the new one, and making such alterations therein as may appear, either from the improvement or decline in the value of the houses, to be just and proper, and all such revised assesments shall be submitted for the sanction of the Governor in Council.

How persons dissatisfied with the assessment shall proceed.

IX. *First.* Any person who may be dissatisfied with the assessment fixed on his habitation by the Assessor shall, in the first instance, report the circumstances to the Collector, who will represent the case to the Assessor; and the Assessor will modify the assessment, if it should appear to him necessary and proper.

May appeal to the Judge should they be dissatisfied with the Collector's decision.

Second. Should the Assessor refuse to reduce the assessment, or the party remain dissatisfied with his proceedings, he shall be allowed an appeal to the Revenue Judge; and the Judge, after a summary investigation, shall either confirm or modify the assessment, as may appear to be equitable and just.

X.

Judge's decision to be final, except in particular cases.

X. The decision of the Revenue Judge shall be considered final; excepting in cases in which particular circumstances may appear to the Sudder Adawlut to render the admission of a special appeal necessary.

Judges may impose fines in cases of groundless or litigious appeals.

XI. To discourage litigious appeals, the Revenue Judge is hereby authorized to impose a fine on persons whose objections to the assessment may prove on investigation to be evidently groundless and litigious; the amount of such fine to be levied according to the circumstances of the case and to the condition of the party, by distress.

Tax to be collected quarterly, and receipts to be granted signed by the Collector, who may levy the amount by distress, should payment be refused or evaded.

XII. *First.* The tax shall be collected by the native Receiver immediately after the same shall become due, who shall furnish the occupant of the house with a receipt for the amount of the said assessment, signed by the Collector. In cases wherein payment shall be refused or evaded, the Receiver shall report the circumstances to the Collector, who is hereby empowered, after satisfying himself of the truth of the report, to issue his warrant, to levy the amount by distress of the property of the occupant or proprietor. The personal effects of the occupant shall, in the first instance, be liable to be sold for the recovery of the tax; but if the proceeds of the sale of such effects be insufficient to discharge the full amount of the demand, the residue shall be recovered by the distress and sale of the goods and chattels of the proprietor, should he fail to discharge the demand on notice to do so, within a period of eight days from the date of presentation of the bill, which in such cases is to be issued to him by the Receiver. The principle of the rule is of course to be observed in cases in which the tenant and proprietor may be the same person. In case the proceeds of the sale exceed the demand, the surplus to be returned to the proprietor or tenant, as the case may be.

Warrant.

Second. The following form of the warrant is to be observed in levying the tax by distress:

" Whereas, in and by assessment made and assessed by the Right " Honourable the Governor in Council of Bombay on the owners and occu- " piers of houses and buildings situated beyond the limits of the town, as " fixed by the order of Council dated the 20th of January 1813, which " assessment hath been duly approved and confirmed in Council, ... " ....., an inhabitant and of a ....., beyond limits of the " said town, was duly rated and assessed for one year, which commenced " on the 1st day of February 18..., and ended the 31st day of January....., " the sum of rupees ....., being one-twentieth part of the " gross annual value of the ..... which he is ..... of as " aforesaid; and whereas it duly appeareth, that the said sum of rupees " ..... hath been lawfully demanded of the said ..... " ....., by the space of eight days past and upwards, and that the " said ..... hath refused, and doth refuse to pay the " same; these are therefore to require you forthwith to make distress of " the goods and chattels of him the said .....: and if " within the space of eight days next after such distress by you taken, the " said sum, together with reasonable charges of taking and keeping the said " distress, shall not be paid, that then you do sell the said goods and chat- " tels so by you distrained, and out of the money arising by such sale that " you detain the said sum of ....., and also your reasonable

" charges

"charges of taking, keeping, and selling the said distress, rendering to him
" the said ..... the overplus (if any be) on demand; and
" if no such distress can be made, that then you certify the same, to the
" end that such further proceedings may be had therein as the circum-
" stances of the case may require.—Given under my hand and seal, this
" ..... day of ....., in the year of our Lord 18...."

Third. The following certificate is to be affixed to the back of the warrant.

Certificate of the demand having been preferred and payment refused.

" This is to certify that the sum of rupees ....., being the
" twentieth part of the gross annual value of the house .....
" hath been demanded of the within-named ..... by the
" space of eight days and upwards, and that he hath refused and doth refuse
" to pay the same, wherefore this warrant is issued to levy the amount.

" Bombay, Collector's Office,

" ..... 18...,

" ..... Collector."

Fourth. The following instruction is to be also affixed to the warrant, and addressed t othe native Receiver, who is to execute it.

Instructions to the party executing the warrant.

" You will proceed in execution of this warrant against .....
" ....., and should the party, on your proceeding to execution, tender
" payment of the amount due by him as above specified, you will receive the
" same, with the further amount of one hundred reas, being the expense
" attending the issue of this warrant, which you will then return to me.—
" Given under my hand and seal, this ..... day of ....., one thou-
" sand eight hundred and ....."

(Signed) A. B., Collector.

XIII. Any person aggrieved by the measures authorized in the preceding clause, may sue for redress against the Assessor before the Revenue Judge; and any native Receiver who may be guilty of any improper exercise of the power vested in him, or of any undue exaction in the collection of the said tax, will be liable on conviction to the pains and penalties hereafter prescribed.

Complaints against the Collector to be proceeded upon in the same manner as those against Collector of Revenue.

XIV. Complaints and suits against the Collector for acts done by him under this regulation, shall be proceeded upon in the same manner as if the acts complained of had been done by him in his capacity of Collector of the land revenue.

No person liable to a charge for Peons, except in the execution of process under Section XIII.

XV As the Assessor and Receivers will be furnished with an adequate number of Peons from the establishment of the Collector, no person shall be liable to any charge for any duties performed by either of those officers respectively; but whenever the Collector may be under the necessity of issuing process against a defaulter, under the authority granted to him in the Section XIII. of this Regulation, such defaulter shall be liable to the ordinary amount of the charge of the printed warrant.

No person to be arrested or confined but under process issuing from the Court of Judicature.

XVI. No person shall be subject to arrest, detention, or confinement, but under process issuing from the court of the Revenue Judge.

How native officers guilty of a breach of the foregoing rule are to be proceeded against and punished.

XVII. Any native officer proved to the satisfaction of the Collector to have been guilty of a breach of the rule contained in the foregoing section, shall be liable to be dismissed from his employment. It is moreover declared,

that complaints against native officers employed in the collection of the house-tax for undue exactions shall be cognizable by the Revenue Judge; and any such native officer on being convicted of having exacted, or attempted to exact, any tullubana, fee, or pecuniary situation, excepting such as may be expressly authorized by the Governor in Council, under any plea or pretence whatever, shall be liable to be sentenced to fine and imprisonment, according to the nature and circumstances of the case, and the condition in life of the offender. The party aggrieved shall at the time be at liberty to prosecute the offender for damages before the Revenue Judge.

The object of the tax explained.

XVIII. This tax shall be exclusively appropriated to the purposes of watching, repairing, and cleansing the streets of the towns or villages situated beyond the limits of the town of Bombay, for the construction of drains, and for rendering the habitations of the natives in other respects healthy and comfortable; the plans and estimates of the improvements which may be necessary for these purposes being, in the first instance, prepared under the superintendence of the Court of Petty Sessions, and submitted to the consideration and approval of the Governor in Council.

A. D. 1815. REGULATION X.

A REGULATION *for the Appointment of Cazees in the Territories subject to the Presidency of Bombay, and prescribing their respective Duties:* PASSED *by the Governor in Council on the* 11*th of October* 1815 *(corresponding with the* 9*th of Aswin, Sood, Sumbut, or Vekramajit Era,* 1871; *Salbahan,* 1737; *and* 7*th of Zilkad,* 1230 *Hejry).*

Preamble.

I. CAZEES are stationed at the cities of Surat and Broach, and the principal towns, and in the pergunnahs, for the purpose of preparing and attesting deeds of transfer and other law papers, celebrating marriages, and performing such religious duties or ceremonies prescribed by the Moohummudan law, as have been hitherto discharged by them under the native, and subsequently the British Governments. The nature of the above-mentioned duties renders it necessary, that persons of character, and duly qualified with respect to legal knowledge, should be appointed to these offices; and to encourage them to discharge their trusts with diligence and fidelity, they should not be liable to removal, unless proved to be incapable or guilty of misconduct to the satisfaction of the Governor in Council, the following rules have been accordingly enacted.

The Cazees of the cities, towns, or pergunnahs not removeable but for incapacity, misconduct, or profligacy.

II. *First.* The Cazees stationed in the cities, towns, or pergunnahs, subject to the presidency of Bombay, shall not be removable from their offices, excepting for incapacity or misconduct in the discharge of their public duty, or acts of profligacy in their private conduct. The Cazees so stationed are to use a circular seal, one inch and a half in diameter, on which shall be inserted the designation of their office, and their name in the Persian language, as follows: "The seal of the Cazee of the city (town, pergunnah, or "pergunnahs) of.....,—(Name of the Cazee)."

The preceding rule not to preclude the abolition of the office

Second. The rule contained in the preceding clause is not to be construed to preclude the Governor in Council from abolishing the office of Cazee at any

any place where, from the number of Cazees stationed in the district or other cause, the continuance of such an officer may appear to him unnecessary. of Cazee when such an officer may be unnecessary.

III. When the office of Cazee in any pergunnah, city, or town shall become vacant, the Judge of the Zillah or City Court, within whose jurisdiction the place may be situated, is immediately to report the vacancy, through the Court of Appeal, to the Governor in Council, and recommend such person as may appear to him best qualified for the succession from his character and legal knowledge. The Judges of the Provincial Court shall satisfy themselves, on the best information procurable, that there appears no objection to the appointment, and shall report accordingly to the Governor in Council, who will appoint such person to the vacant office, or not, as he may deem proper. The person who may be appointed to the office shall be furnished with a sunnud of appointment, under the official seal of the Governor in Council, in which the date of his appointment is to be specified. Vacancies how to be supplied.

IV. The office of Cazee is declared not to be hereditary. The office of Cazee not hereditary.

V. The Zillah Courts and the Provincial Court of Appeal are to report to the Sudder Adawlut every instance in which it may appear to them that the Cazee of any pergunnah, city, or town within their respective jurisdictions is incapable, or in which it may be proved to their satisfaction that he has been guilty of negligence or misconduct in the discharge of his public duty, or of acts of profligacy in his private conduct. Courts of Judicature to report incapacity, misconduct, or private profligacy to the Sudder Adawlut.

VI. The Cazees stationed in the cities, pergunnahs, and towns are to keep copies of all deeds and law or other papers which they may draw up or attest, and are to affix thereto their seals and signatures. They are likewise to keep a list of all such papers; and in the event of their death, resignation, or removal, the list and papers are to be delivered complete to their successors. All Cazees to keep copies of every paper they may draw up or attest, to keep lists of such papers, the lists and papers to be delivered to their successors.

VII. The Judges are to furnish the Cazees stationed in their respective jurisdictions with copies of the Persian translations of all Regulations, printed and published in the manner directed in Regulation I., A. D. 1799. The Judges are to furnish Cazees with copies of the Persian translations of the Regulations.

VIII. The Cazees stationed in the several zillahs are to be liable to be sued in the Court of Adawlut, for any undue practices in the discharge of the duties which shall be prescribed to them by any Regulation printed and published in the manner directed in Regulation I. 1799. Cazees stationed in zillahs to be liable to prosecution in Zillah Courts for undue practices.

A.D. 1815. REGULATION XI.

A Regulation *for consolidating the existing Duties on Spirituous Liquors:* Passed *by the Right Honourable the Governor in Council on the* 18*th of October* 1815 *(corresponding with the* 15*th of Aswin, Sood, Sumbut, or Vekramajit Era,* 1871; *Salbahan,* 1737; *and* 14*th of Zilkad,* 1230 *Hejry).*

I. It being deemed expedient to consolidate the various rules which exist for the levy of customs and other duties on spirituous liquors into one Regulation, the following enactment has been passed. Preamble.

II.

Rates of duty on spirituous liquors, and the principles on which they are levied.

II. On all brandies, rum, gin, arrack, and all other descriptions of spirituous liquors imported for consumption into the island of Bombay, the established three and a half per cent. customs shall be levied, on the following principles, *viz.*

From London, on the invoice cost, attested upon oath.

Madeira, the same.

Cape of Good Hope, 30 per cent. advance on the invoice cost, attested upon oath.

Isle of France	15	ditto	Under the same attestation.
China	20	ditto	
Batavia	25	ditto	
Manilla	20	ditto	
Penang and Eastern Isles	15	ditto	
Bengal	15	ditto	
Coromandel	15	ditto	
Ceylon	15	ditto	
Arabian Gulph	15	ditto	
Persian Gulph	15	ditto	
Malabar and Canara	10	ditto	
Goa and the Concan	10	ditto	
Bassein to Surat	10	ditto	
Surat to Scind	10	ditto	

The custom on spirits imported without invoices shall be levied *ad valorem.*

Town duty on ditto.

III. In addition to the customs as above specified, the town duty leviable by Clause XV., Regulation I. 1803, is fixed at half a rupee per gallon on the import of spirits of all descriptions and from all places.

Rate of duty on the spirits manufactured on the islands of Salsette, Caranja, and Fort Victoria.

IV. A duty of a quarter of a rupee per gallon to be levied on all spirits manufactured from articles *bonâ fide* the produce of the islands of Salsette, Caranja, and Fort Victoria; but all imports of spirits from these territories manufactured from articles other than the produce thereof shall be subject to the duty of half a rupee per gallon.

Certificates under which they are to be levied.

V. Certificates must be produced from the collectors of these places, that the spirit intended to be imported has been manufactured from articles the growth of those territories, to exempt the said spirits from the payment of the higher rate of duty.

Spirituous liquors to be warehoused when landed.

VI. All spirituous liquors landed at this port shall be placed in the Custom-house warehouses, or in warehouses under charge of the Custom-master and the importers.

A moiety of the import duty allowed as a drawback on exportation, within a period of two months from the date of exportation.

VII. A moiety alone of the import duty is to be allowed as a drawback on the export of spirituous liquors; and no drawback is to be allowed under any circumstances, if the spirit be not re-exported within a period of two months from the date of its import, nor is any drawback of the three and a half per cent. customs allowed on the export of spirituous liquors.

No drawback to be allowed on spirits which shall be below their import strength.

VIII. No drawback will be allowed on the export of any portion of a consignment, the proof of which shall be below its strength at the time of importation,

importation, which is to be ascertained by the Custom-master on the import of the article.

IX. Spirituous liquors imported from Europe or America on foreign bottoms shall be subject to the payment of double the duties fixed by this Regulation.

Double duties to be levied on spirits imported from Europe or America on foreign bottoms.

X. The above levies shall be collected on the actual quantity imported, without any deduction on account of leakage.

To be collected on the actual quantity imported.

XI. All spirits attempted to be illicitly imported will be seized, confiscated, and sold for the benefit of the Company. One moiety of the amount of the sales will be paid to all informers, and the parties offending be sent to the senior Magistrate of Police, to be punished as the law directs.

Spirits illicitly imported to be confiscated and sold. How the proceeds to be disposed of.

A. D. 1815. REGULATION XII.

A REGULATION *for extending the Circuit of the Court of Circuit to Fort Victoria and Malwan and their Dependencies, for the Trial of Persons who may be apprehended by the Magistrates at those Stations, and committed to Prison for that Purpose:* PASSED *by the Right Honourable the Governor in Council on the 18th of October* 1815 *(corresponding with the 15th of Aswin Sood, Sumbut or Vekramajit Era,* 1871; *Salbahan,* 1737; *and 14th of Zilkad,* 1230 *Hejry).*

I. WHEREAS it is enacted, by Section III., Regulation I. 1811, and by Section V., Regulation XI. 1814, that persons committed or held to bail by the Residents at Fort Victoria and Malwan are to be remanded to Tannah to take their trial before the Court of Circuit, and whereas great expense and inconvenience are likely to be experienced by the parties as well as by persons summoned as witnesses, on their removal so far from their homes, the Governor in Council is pleased to pass the following enactment.

Preamble.

II. Those parts of Section III., Regulation I. 1811, and Section V., Regulation XI. 1814, which direct that persons committed for trial or held to bail by the Residents at Fort Victoria and Malwan shall be remanded to Tannah to take their trial before the Court of Circuit, are rescinded.

Parts of Section III., Regulation I. 1811, and of Section V., Regulation XI. 1814, rescinded.

III. Persons committed to prison or held to bail by the Magistrates at Fort Victoria and Malwan shall be detained at those places, respectively, for trial by the Court of Circuit.

Persons committed to bail by the Magistrates at Fort Victoria and Malwan to be detained at those places for trial.

IV. The Magistrates of Fort Victoria and Malwan will forward to the Court of Circuit returns of prisoners committed for trial, and the Judge of Circuit will thereon proceed to Fort Victoria and Malwan to deliver the jails at those stations respectively, either on the circuit of the 1st of January or the 1st of September in each year, should there be any prisoners for trial, but not otherwise, and at both those periods should the state of the jails at those stations require it.

The Magistrates to forward returns of prisoners committed for trial to the Court of Circuit.

Period of the jail delivery by the Judges of Circuit fixed.

A.D. 1815. REGULATION XIII.

A REGULATION *for modifying some of the Provisions at present in force for the Collection of Customs on certain Articles of Commerce in the Territories immediately dependent on the Presidency of Bombay:* PASSED *by the Right Honourable the Governor in Council on the* 18*th of October* 1815 *(corresponding with the* 15*th of Aswin Sood, Sumbut or Vekramajit Era,* 1871; *Salbahan,* 1737; *and* 14*th of Zilkad,* 1230 *Hejry).*

Preamble.

I. WHEREAS it has been considered expedient, with a view to encourage the exportation of the staples and marine stores of Great Britain, that the import duties now payable at this presidency on sundry articles should be abolished, provided that the articles be imported from Great Britain or Ireland on British registered ships or Indian-built ships trading under the provisions of the thirtieth section of the Act, 53d Geo. III., cap. 155, and other subsequent acts, and that the duties on other articles, being the produce or manufacture of the United Kingdom of Great Britain or Ireland, should be modified; and whereas it has farther been deemed expedient to modify and alter the duties now levied on goods being the produce of the British territories under this presidency on their exportation to the United Kingdom of Great Britain and Ireland on British and Indian-built ships, and to make certain other alterations in the Regulations for the collection of the Customs, the following rules have therefore been enacted, to be in force throughout the territories immediately subject to the presidency of Bombay.

IMPORTS.

All articles manufactured from wool or worsted thread, imported from the United Kingdom on British register ships or Indian-built ships trading under legal authority, shall be exempt from duty.

II. Woollens, including cloths of sorts, blankets, hose, Guernsey shirts, caps, and generally all articles manufactured from wool or worsted thread or yarn, which may be imported from the United Kingdom of Great Britain and Ireland on British register ships or Indian-built ships trading under the provisions of the thirtieth section of the Act, 53d Geo. III., cap. 155, and other acts containing similar provisions, shall be exempt from duty, any thing contained in any former Regulation to the contrary notwithstanding.

Unmanufactured metals, the produce of the United Kingdom, imported in a similar manner, also exempted from duty.

III. Copper, tin, iron, steel, lead, and all other metals in an unmanufactured state, being the produce of the United Kingdom, if imported in the manner specified in the preceding section, shall also be exempt from duties.

Canvas, and other marine stores, the produce or manufacture of the United Kingdom, also exempt from duty.

IV. Canvas, cordage, and other marine stores, being the produce or manufacture of the United Kingdom, if imported in the manner specified in Section II., shall be exempt from duties, agreeably to the following enumeration thereof:

Anchors,	Bells for ships,	Lines and twines,
Blocks of sorts,	Canvas of all sorts,	Scupper leather,
Boxes, pump,	Figure-heads,	Sail needles of sorts,
Buntine of sorts,	Pump hide,	Copper rings,
Masts and spars of all sorts,	Kintledge,	Mooring chains,
	Lanthorns,	Channel work for ships,

Azimath,

Azimath, hanging, and steering compasses,	Capstern furniture,	Rosin,
Cordage of all descriptions,	Grapnels,	Sheaves and pins of sorts,
Deals of sorts,	Nails, copper,	Speaking trumpets of sorts,
Time and binnacle glasses,	Spars of sorts,	Vitry,
	Tar and pitch,	Varnish.
	Palm irons,	
	Hawse rollers,	

All other articles, except wines and spirits, the produce or manufacture of the United Kingdom, shall be charged with a duty of two and a half per cent.

V. *First.* All articles the produce or manufacture of the United Kingdom, not specified in the preceding section (with the exception hereafter stated), on importation at the port of Bombay or at subordinates shall be charged with a duty of two and a half per cent., to be adjusted according to the provisions established by Regulation VI. of 1799, or any other Regulation in force.

All articles, the produce of foreign Europe, with the exception of wine and spirits, shall be subject to a duty of five per cent.

Second. All articles the produce or manufacture of foreign Europe (with the exception of wines and spirits), on importation at the port of Bombay or at subordinates, on British register ships or Indian-built ships trading under the provisions of the thirtieth section of the Act, 53d Geo. III., cap. 155, and other subsequent acts, shall be subject to a duty of five per cent.

Wine and spirits imported from the United Kingdom shall continue subject to the existing Regulations.

Third. Wines and spirits of every description imported from Great Britain or Ireland shall, however, continue subject to the same rate of duty with which they are chargeable under Regulation VI. of 1799, Regulation I. of 1805, and any other existing Regulations.

The articles above specified, if imported otherwise than as described in Section II., shall be subject to the duties specified in the existing Regulations.

VI. It is to be clearly understood, that the articles specified in the preceding sections, if imported otherwise than according to the provisions of the Acts of Parliament regulating the direct and circuitous trade between the United Kingdom and India, shall continue subject to the payment of the duties now in force under the existing Regulations.

The goods above enumerated, on which duties may have been paid at any other port in British India, shall not be liable to further duty on transits from port to port.

VII. If the established duties on goods specified in the preceding sections shall have been paid at any port in the territories subject to the Company's Government in India, no farther duty shall be levied upon their transit from port to port within the same territories. A regular certificate of such payment, under the signature of the principal officer of the Custom-house at which such duties may have been levied, shall be furnished to the Collector of Customs, or other proper officer, at every port to which such goods may be brought after the first payment of duties.

EXPORTS.

Drawback to be allowed on indigo, the produce of the territories immediately dependent on Bombay when exported to the United Kingdom.

VIII. *First.* Indigo, the produce and manufacture of the territories immediately dependent on the presidency of Bombay, shall be allowed a drawback on exportation on British registered ships, or on Indian-built ships, trading with the United Kingdom of Great Britain and Ireland, directly or circuitously, under the provisions of the Act of the 53d Geo. III., cap. 155, and subsequent acts, equal to the whole amount of the duty payable under the existing Regulations.

Drawback to be allowed on indigo the produce of the territories of any Native Power.

Second. Indigo, the produce and manufacture of the territories of any Native Power, shall be allowed a drawback, at the same rate only as that article the produce and manufacture of the British territories, although the duty levied may have been higher.

Third.

Such drawbacks only allowed on indigo exported by sea to the United Kingdom.

Third. It is to be clearly understood, that the drawbacks mentioned in the two preceding clauses are to be allowed only on indigo exported by sea to the United Kingdom of Great Britain and Ireland, and that no drawback will be allowed on the carriage of indigo to any foreign settlement in Asia.

Drawback to be allowed on cotton-wool, hemp, and sunn, on exportation to the United Kingdom.

IX. On cotton-wool, hemp, and sunn, the produce of any part of India, a drawback of the whole amount of the duty shall be allowed on exportation to the United Kingdom of Great Britain and Ireland.

Rules as to drawback allowed on other articles on exportation to the United Kingdom.

X. On the exportation to the United Kingdom of all other articles, including saltpetre, which are liable to duty under existing Regulations, such a drawback shall be allowed as may reduce the duty actually receivable by Government to two and a half per cent.; but no drawback shall be allowed in any instance, unless the application for drawback shall be made at the time when the goods are exported.

Modification of rules as to the levying the duty on cotton-wool.

XI. In modification of the rules in force within the territories immediately dependent on this presidency, and of those contained in Clause eight, Section III., Regulation VI. of 1799, Clause five, Regulation I. of 1803, and Clause ten, Regulation I. of 1805, it is hereby declared, that the whole amount of duties herein referred to, including the sea customs and the inland or transit duty to be levied on cotton-wool, both in its cleaned and uncleaned state, shall not exceed five per cent. upon the value. Under this modification, therefore, whenever the whole of those consolidated duties, calculated on the fixed rates of valuation established at Broach, at Surat, and at Bombay, shall exceed a duty equal to five per cent. on the value, the latter rate only shall be levied, otherwise the duties are to continue to be charged conformably to the existing system.

With the foregoing exceptions this Regulation not to affect the inland transit, or sayer duties.

XII. With the above exceptions, it is hereby declared that nothing contained in the present Regulation is to be construed to affect either the inland, transit, or sayer duties payable within the territories subordinate to this presidency, or the several provisions contained in Regulation VI. of 1799, and Regulation I. of 1805, or any established system which may not have yet been promulgated in a Regulation.

This Regulation not applicable to trade on foreign bottoms;

XIII. *First.* Nothing contained in this Regulation is intended to apply to the trade conducted on foreign bottoms, the duties on which, as specified in the existing Regulations, as well as the rules by which that trade is governed, are to remain on their present footing, until the arrangements consequent on the treaties of peace shall have been completed.

nor to deposits already made for payment of duties.

Second. Neither is any thing contained in the preceding clauses intended to apply to deposits made previously to the date of this Regulation for the payment of duties on goods imported, the accounts of which have not yet been adjusted. All deposits made previous to the date of the present Regulation shall be adjusted according to the existing rate of duties.

A. D.

A. D. 1815. REGULATION XIV.

A Regulation *for levying a Stamp Duty on certain Law and other Papers and Documents, under the Presidency of Bombay, and in the Territories subordinate thereto:* Passed *by the Right Honourable the Governor in Council on the 22d of November* 1815 *(corresponding with the 6th of Kartick, Vud, Sumbut, or Vekramajit Era,* 1872; *Salbahan,* 1737; *and the 20th of Zilhuya,* 1230 *of the Hejry).*

Preamble.

I. Whereas considerable delays and inconvenience have been experienced by the different courts of judicature, in collecting and bringing to account the prescribed fees on the institution of suits, and on exhibits and summonses for witnesses; and whereas it will tend to the dispatch of business, to commute such fees for a duty to be levied by means of stamps; and whereas it is expedient to extend the same principle of improving the public revenues, to bonds, deeds of conveyance, and other instruments executed by individuals, and also to certain petitions preferred to the Magistrates, in order to discourage the numerous petty complaints preferred or brought before them from improper motives, an enquiry into which not only occupies a large proportion of their time, but is often the occasion of considerable expense and vexation to the parties complained against: the following rules have been enacted, and are to be considered in force from the 1st of March 1816.

A general Stamp Office to be established at the presidency, under a Covenanted Servant, who shall be designated the Superintendent of Stamps.

II. A general Stamp Office shall be established at the presidency, under the superintendence of a Civil Covenanted Servant of the Honourable Company, to be designated the Superintendent of Stamps, and all papers or other materials intended for any of the purposes hereinafter-mentioned shall be stamped at his office, and counter-stamped at the general Treasury of Government.

The Superintendent of Stamps to be subordinate to the Governor in Council, and to take an oath as prescribed in Appendix No. 1. of the present Regulation.

III. The Superintendent of Stamps shall be subordinate to the Governor in Council; and previously to entering upon the execution of the duties of his office, shall take and subscribe the oath prescribed in the Appendix (Form No. 1) before the Government.

He shall prepare and transmit stamps to the different officers.

IV. The Superintendent shall prepare and transmit to the different officers entrusted with the disposal of stamps, the quantities which they may require for use in their respective districts.

What account of stamps to be kept by him.

V. The Superintendent shall keep an account of the quantity and value of stamps prepared by him, of the issue of stamps, of the sums brought to credit in the several districts, and of the quantity of stamps remaining in store, and he shall prepare and submit to the Governor in Council such periodical reports and statements as they may require.

No stamp to be valid or issued from the Stamp office, until it shall have received the prescribed counter-stamp at the general Treasury.

VI. No stamp shall be valid, or be issued from the Stamp Office, until the paper, parchment, or other material on which the stamp has been impressed, shall have received the prescribed counter-stamp at the general Treasury.

The Sub-treasurer to keep an account of the stamps which may be counter-stamped by him, and to transmit it to the Governor in Council at the close of each official year.

VII. The Sub-treasurer shall keep an account of the quantity and value of the stamps which may be counter-stamped by him, which account shall be transmitted to the Governor in Council at the close of each official year, in order that it may be compared with the accounts of the Superintendent.

Only one set of dies applicable to every purpose for which stamps are required by the present Regulation to be used.

VIII. One set of dies, applicable to every purpose for which stamps are required by this Regulation, shall hereafter be used in the general Stamp Office, bearing inscriptions in the English, Persian, Guzerattee, and Marhatta characters, as follows:

One Anna,	Fifty Rupees,
Two Annas,	One hundred Rupees,
Four Annas,	One hundred and fifty Rupees,
Eight Annas,	Two hundred and fifty Rupees,
One Rupee,	Three hundred and fifty Rupees,
Two Rupees,	Five hundred Rupees,
Four Rupees,	Seven hundred and fifty Rupees,
Eight Rupees,	One thousand Rupees,
Sixteen Rupees,	Two thousand Rupees.
Thirty-two Rupees,	

In ordinary cases the stamp to be impressed on paper of the manufacture of the country, and the Governor in Council to regulate the sizes of the paper.

IX. The above stamps shall, in ordinary cases, be impressed on paper of the manufacture of the country; and it shall be the duty of the Governor in Council to regulate the sizes of such paper, in such manner as may be best adapted to the convenience of the community, without injury to the public revenue, according to the true intent and meaning of the rules contained in the present Regulation: provided that the Superintendent shall always keep in deposit a sufficient supply of the leaf of the taur tree (taur puttah) duly stamped, for the use of those districts in which that material is ordinarily employed for the execution of certain instruments, instead of paper: Provided, likewise, that if any person shall be desirous of having any instrument executed on vellum, parchment, or any other material, instead of paper or taur puttah, he shall be entitled to have the same stamped, supposing it to correspond nearly with the regulated size of stamped paper, on paying the established duty. Bonds, deeds of conveyance, and other instruments, executed on any material of the above description, will accordingly be receivable, if duly stamped, in evidence in the courts of judicature, in the same manner as if such instruments had been executed on common paper, according to the ordinary practice of the Stamp Office.

Taur puttah to be used in certain districts.

Persons desirous of having instruments executed on vellum, parchment, or other material, entitled to have the same stamped, on paying the established duty.

Bonds, deeds, and other instruments executed on such material, if duly stamped, will be received in evidence in the courts of judicature.

To prevent forgery the Superintendent, or other officers acting under his authority, to indorse his written official signature on the back of each piece of stamped paper or other material.

X. With the view of preventing, as far as possible, the forgery of the stamped paper, it shall be the duty of the Superintendent of Stamps, or such officer or officers acting under his authority as may be nominated for that purpose by Government, to endorse his written official signature on the back of each piece of stamped paper or other material.

Dies to be prepared at the Mint of Bombay.

XI. It shall be the duty of the Mint-master at Bombay to cause the dies, on the order of the Governor in Council, and in conformity to such instructions as they may offer, to be engraved at the Mint.

Size and shape of the dies may be changed as often as the Governor in Council may deem necessary, with the view of detecting or preventing forgeries.

XII. The size or shape of the dies shall be changed as often as the Gover-

forgeries. Provided, however, that nothing herein contained shall be construed to authorize any alteration in the prescribed impression of the dies, except by a Regulation passed and promulgated in the manner directed by Regulation I. A. D. 1799.

nor in Council may deem it necessary. Prescribed impression not to be altered.

XIII. From and after the period fixed for the operation of this Regulation, any bond, promissory note, or other obligation for the payment of a specific sum of money, any deed of gift, sale, devise, or other transfer of property, real or personal, any leases (excepting as excepted in Section XXIV.), any mortgage or other limited assignment of immoveable property, which may be executed upon paper or other material, not bearing the prescribed stamp, shall not be admitted in evidence, or otherwise received or filed in any court of judicature: Provided, however, that if any person shall inadvertently have taken any such bond or other instrument, on paper, or any other material, not bearing the prescribed stamp, and shall present the same to any Collector of the land Revenue within sixty days from the execution of it, with a penalty equal to ten times the amount of the stamp duty which would have been payable on such bond, or other instrument, in the first instance, if it had been prepared on paper or other material bearing the prescribed stamp, it shall be transmitted by the Collector to the Superintendent of the Stamp Office, for the purpose of being duly stamped: Provided also, that if any bond, or other instrument, required to be written on stamped paper, shall be produced in a court of judicature, having a stamp or signature apparently forged, the Judge or other officer, before whom the document may be exhibited, shall make the necessary enquiry, previously to admitting the said instrument in evidence, to satisfy himself whether the paper or other material on which it was written was purchased at either of the regular places established for the vend of stamps. If it shall appear that the paper or other material was so purchased (the proof of which must of course rest with the person producing it), and that it bear a stamp and signature resembling those prescribed by this Regulation, it shall be admitted, notwithstanding any doubts which may exist of its authenticity; but in the contrary case, that is, supposing the Judge or other officer to be satisfied that the stamped paper upon which the bond or other instrument produced may be written was not purchased from any of the authorized venders, or if so purchased, that the party producing it was privy to the forgery, the bond or other instrument in question shall be rejected as inadmissible in evidence.

Bonds or other instruments, not written on paper bearing the prescribed stamp, not to be admitted in evidence or received in any court of judicature.

Proviso.

What steps should be taken as to bonds or instruments having stamps or signatures apparently forged.

XIV. An office for the sale and distribution of stamps shall be established in each district, under the superintendence and responsibility of the Collectors of the land Revenue, who shall receive a commission of five per cent. on the gross produce derived from the sale and distribution of stamps in such district.

An office to be established in each district for the sale and distribution of stamps, under the superintendence of the Collectors of the land Revenue, who shall be allowed a commission.

XV. The Collectors shall indent upon, and grant receipts in duplicate to the Superintendent of the general Stamp Office, for such quantities of stamps as may be required by them for the supply of their respective districts.

The Collectors to indent upon the Superintendent of the general Stamp Office for such quantities of stamps as they may require.

XVI. A Darogah of Stamps shall be appointed at each of the stations of the Collectors and Assistant Collectors, who shall be paid by commission or by

A Darogah of stamps to be appointed at each of the stations of the Collectors, who shall

be paid either by salary or commission.

by salary, or partly commission and salary, as the Governor in Council may deem most advisable.

Duty of the Darogah of Stamps.

XVII. It shall be the duty of the Darogah of Stamps to count and examine the stamped paper received from the Stamp Office, and to countersign the receipts granted by the Collector.

Licensed venders of stamped paper to be established in certain places, who shall be paid either salary or commission, and to be at all times adequately supplied with the requisite quantities.

XVIII. Licensed venders of stamped paper shall be established in every pergunnah, or at such places as the Governor in Council may determine, who shall be paid by salary or commission, or partly by salary and commission, as Government may direct. It shall be the duty of the Collectors to cause those officers to be at all times adequately supplied with the requisite quantities of each sort of stamped paper. In like manner, it shall be the duty of the Superintendent of Stamps, at all times, to satisfy himself that no obstacles occur to the discharge of the public duties, from any delay or difficulty in procuring stamped paper required for the conduct of the affairs of individuals.

Stamp Darogahs, and persons authorized to retail stamps, to execute certain engagements and to receive certain sunnuds.

XIX. Every Stamp Darogah, and every person authorized to retail stamps, shall give security to the Collector for the due performance of an engagement, to be executed by him, agreeably to the forms prescribed in the Appendix (Nos. 2 and 3), and shall receive a sunnud, prepared agreeably to the Forms Nos. 4 and 5.

What accounts to be kept by the Stamp Darogah.

XX. The Stamp Darogah shall keep an account of the quantity and value of stamps supplied by him to the different venders; and every vender shall keep a day-book, exhibiting the stamps sold by him, which day-book shall be transmitted to the Zillah Stamp Office at the end of each month; and every vender shall, on receiving a supply of stamped paper for sale from the Stamp Darogah, grant a receipt for it. He shall, at the same time, carefully examine the stamped paper entrusted to his charge, to satisfy himself that it bears the Government stamp, which he must certify on the receipt granted to the Stamp Darogah.

The Collectors to transmit to the general Stamp Office such accounts as may be required by the Superintendent.

XXI. The Collectors shall transmit to the general Stamp Office such accounts as the Superintendent may require, with the consent and approbation of the Governor in Council.

No other person to sell stamps excepting those authorized by the present Regulation, under pain of prosecution and punishment.

XXII. No person, excepting the Superintendent of Stamps, the Collectors of the land Revenue, or other European officers invested with the charge of the office for the sale and distribution of stamps, and the authorized native venders, shall be deemed competent to sell stamps; and any other person who may sell stamps, in opposition to this prohibition, shall be liable to be prosecuted for such act before the magistrates, and punished, on conviction, to the full extent of the powers vested in the Magistrates by the general Regulations.

What instruments to be written on stamped paper, and how the value is to be regulated.

XXIII. From and after the date specified in the preamble to this Regulation, every bond, promissory note, or other obligation for the payment of a specific sum of money; every deed of gift, sale, devise, or other transfer of property, real or personal, every lease (except as provided for in the following section), every mortgage or other limited assignment of immoveable property, which may be executed within the provinces subject to the presi-

dency

dency of Bombay, shall be written on paper (or some other material) impressed with the Government stamp, the value of which stamp shall be regulated as follows:

TABLE.

Rate of stamp duties.

1st. If the bond or other instrument shall be for a sum not exceeding sixteen rupees, or if the value of the property transferred, or otherwise affected by it, shall not exceed sixteen rupees, the deed shall be executed on stamped paper of the value of ..... One anna.

2d. If above sixteen rupees and not exceeding sixty-four rupees, Two annas.

3d. If above sixty-four rupees and not exceeding one hundred and twenty-five rupees ..... Four annas.

4th. If above one hundred and twenty-five rupees and not exceeding two hundred and fifty rupees ..... Eight annas.

5th. If above two hundred and fifty rupees and not exceeding five hundred rupees ..... One rupee.

6th. If above five hundred rupees and not exceeding one thousand rupees ..... Two rupees.

7th. If above one thousand rupees and not exceeding two thousand rupees ..... Four rupees.

8th. If above two thousand rupees and not exceeding five thousand rupees ..... Eight rupees.

9th. If above five thousand rupees and not exceeding ten thousand rupees ..... Sixteen rupees.

10th. If above ten thousand rupees and not exceeding twenty thousand rupees ..... Thirty rupees.

11th. If above twenty thousand rupees and not exceeding fifty thousand rupees ..... Fifty rupees.

12th. If above fifty thousand rupees and not exceeding one hundred thousand rupees ..... One hundred rupees.

13th. If above one hundred thousand rupees..... One hundred and fifty rupees.

All pottahs and caboolyets, or other instruments, relative to lands held exempt from the payment of revenue to Government, to be written on stamped paper.

XXIV. To prevent misconstruction it is hereby declared, that every lease and its counterpart (pottah and caboolyet) or other engagement, contracted between landlord and tenant, every receipt (dakelah) or other acknowledgment for the payment of rent, is required to be written on paper bearing the prescribed stamp; supposing that such lease, receipt, or other instrument relate to lands held exempt from the payment of revenue to Government: but that instruments of the correspondent descriptions which have relation to lands subject to the payment of revenue to Government, need not be written on stamped paper.

But such instruments relative to lands subject to the payment of revenue to Government, need not be written on stamped paper.

Fees hitherto paid on the institution of civil actions, on summonses, and on exhibits, to be discontinued, and a stamp duty to be levied in lieu thereof.

XXV. From and after the date specified in the preamble to this Regulation, the fees hitherto paid on the institution of civil actions, on summonses, and on exhibits, shall be discontinued, and the following stamp duties shall be levied in lieu thereof.

TABLE.

In suits instituted in any court of judicature, and in appeals preferred from the judgments of any such court to a superior court, if the

amount or value of the property claimed shall not exceed sixteen rupees, the plaint or petition shall be written on paper of..... One rupee.

If above sixteen rupees and not exceeding thirty-two rupees... Two rupees.

If above thirty-two rupees and not exceeding sixty-four rupees, Four rupees.

If above sixty-four rupees and not exceeding one hundred and fifty rupees ..... Eight rupees.

If above one hundred and fifty rupees and not exceeding three hundred rupees, ... Sixteen rupees.

If above three hundred rupees and not exceeding eight hundred rupees ..... Thirty-two rupees.

If above eight hundred rupees and not exceeding sixteen hundred rupees ..... Fifty rupees.

If above sixteen hundred rupees and not exceeding three thousand rupees ..... One hundred rupees.

If above three thousand rupees and not exceeding five thousand rupees ..... One hundred and fifty rupees.

If above five thousand rupees and not exceeding ten thousand rupees, Two hundred and fifty rupees.

If above ten thousand rupees and not exceeding fifteen thousand rupees ..... Three hundred and fifty rupees.

If above fifteen thousand rupees and not exceeding twenty-five thousand rupees ..... Five hundred rupees.

If above twenty-five thousand rupees and not exceeding fifty thousand rupees ..... Seven hundred and fifty rupees.

If above fifty thousand rupees and not exceeding one hundred thousand rupees ..... One thousand rupees.

If above one hundred thousand rupees..... Two thousand rupees.

In suits for land paying revenue to Government, the value of the property how to be assumed.

XXVI. In suits for land paying revenue to Government, the value of the property shall be assumed at the amount of the annual jumma payable on account of the land to Government.

In suits for land held exempt from the payment of revenue to Government, the value of the property how to be assumed.

XXVII. In suits for land held exempt from payment of public revenue to Government, the value of the property shall be assumed throughout the country at ten times the amount of the computed annual produce of the land.

In suits for houses, gardens, or other property, and in actions for the recovery of damages in matters relating to marriages, &c., the value how to be estimated.

XXVIII. In suits for houses, gardens, tanks, or other property, real or personal (excepting the two descriptions of land mentioned in the two preceding sections), and in actions for the recovery of damages in matters relating to marriage, cast, or any personal injury, the value shall be estimated according to the rule contained in Section III., Regulation IV. 1799, and Section III., Regulation II. 1800.

Registers and Native Commissioners entitled to receive the fees incorporated with the stamp duty under the twenty-fifth section of the present Regulation.

XXIX. It is not intended by the provisions of this Regulation to deprive the Registers of the Zillah and City Courts, or their Assistants, or the Native Commissioners, of the established proportion of the fees hitherto received on suits which may be instituted in the Zillah and City Courts, and referred to them for decision. But as those are incorporated, under Section XXV. of the present Regulation, with the stamp-duty payable on the plaint or petition,

petition, it shall be the duty of the Zillah and the City Judges to cause accounts of the proportion of the fees receivable by the Registers and Native Commissioners, under the existing rules, to be prepared at the expiration of every month, and to attest the same with their seals and official signatures. The amount, so authenticated, shall be deemed a sufficient warrant to the Collectors for the payment of the amount receivable on the above account by the Registers, their Assistants, and Native Commissioners.

No exhibits to be filed without a derkhaust or application, praying its admission, written on stamped paper of a prescribed value.

XXX. *First.* No exhibit shall be filed in any court without a derkhaust, or application, praying the admission of the exhibit, which derkhaust shall be written on stamped paper, as follows:

In the Court of the Register, Assistant Register, and Native Commissioners, on paper of the value of ..... Eight annas.

In the Zillah and City Courts, on paper of the value of..... One rupee.

In the Provincial Court of Appeal and in the Sudder Adawlut, on paper of the value of ..... Two rupees.

Second. In lieu of filing a separate application for each exhibit, it shall be sufficient to file one or more applications or lists including any number of exhibits, provided that such applications or lists be written on one or more rolls of stamped paper, the value of which shall correspond in amount with the total value of the several stamps which would have been required for each exhibit separately.

No summons to be issued for attendance of witnesses, except on stamped paper of the value specified in the preceding section.

XXXI. *First.* In like manner no summons shall be issued for the attendance of any witness, without a derkhaust praying the attendance of such person; which derkhaust shall be written on stamped paper of the value specified in the preceding section, according to the court in which it may be delivered and recorded.

Second. The principle of Clause second of the preceding section is applicable to lists of several witnesses required to be summoned.

Miscellaneous petitions, and applications of certain descriptions, in the Revenue and Judicial departments, to be written on stamped paper of a specified value.

XXXII. All miscellaneous petitions and applications which may be presented to the different authorities in the Revenue and Judicial departments, all mooktearnamahs, wakalutnamahs, and all charges preferred to the Magistrates for adultery, fornication, rape, calumny, abusive language, slight trespasses, or inconsiderable offences (excepting always cases of mayhem, actual affrays, and tumultuary assemblies of the people), shall be written on stamped paper, as follows:

If preferred to a Collector or Assistant Collector of the land Revenue or Customs, to a Zillah or City Judge or Magistrate, or to any other authority subordinate to the Provincial Court, on paper of Eight annas.

If preferred to the Provincial Court of Appeal or Circuit, on paper of One rupee.

If preferred to the Court of Sudder Adawlut or superior tribunal, or to the Governor in Council, on paper of..... Two rupees.

Every answer, reply, and rejoinder, every supplement, razeenamah, or petition, to be written on stamped paper of a certain value.

XXXIII. *First.* Every answer, reply, and rejoinder, every supplement, razeenamah, or petition, which may be hereafter filed in any suit, shall be written on stamped paper, as follows:

In

In the Court of the Register and the Assistant to the Register, on paper of the value of..... Eight annas.

In the Zillah and City Courts, on paper of the value of..... One rupee.

In the Provincial Court of Appeal and in the Sudder Adawlut, on paper of the value of..... Four rupees.

Second. The answer, reply, and rejoinder, in the Courts of the Native Commissioners, are not required to be on stamped paper.

Documents required to be written on stamped paper to be prepared, in regard to the size of the writing and otherwise, as heretofore.

XXXIV. *First.* All pleadings and petitions, all deeds, documents, and other papers, whether originals or copies, which are required by this Regulation to be written on stamped paper, are to be written as they have been hitherto usually prepared, with regard to the size of the writing, the space between the words, and the number of lines in each page.

Provisions made for additional sheets or rolls may be used, and of what description;

Second. If the subject matter of any pleading cannot, under the rule contained in the preceding clause, be conveniently comprized in a single sheet or roll of the stamped paper prescribed for such pleading, any additional sheets or rolls which may be required for that purpose shall be of the description of stamped paper specified in the Section XXXIII. of this Regulation; and any party filing any such pleading not prepared in conformity with the foregoing provisions of this section shall be punished by fine, at the discretion of the Court, not exceeding three times the amount of the additional stamped paper which would have been required, if the pleading had been drawn up according to the prescribed rules.

and also in respect to miscellaneous petitions or other papers.

Third. In like manner, any additional sheets or rolls required to complete any miscellaneous petition, or other paper, specified in Section XXXII., which cannot, under the rule contained in Clause first of this section, be conveniently comprized in one sheet or roll, shall be of the value and description specified in the said Section XXXII. of this Regulation, under penalty of a fine within the limitations prescribed in the preceding clause.

Discretion to be exercised by the court, if the plaint be written on paper of less value than prescribed by the Regulations.

Fourth. If during the trial of any regular suit it shall appear that the plaint has been written on stamped paper of a less value than that which ought to have been used under the provisions of Section XXV., XXVI., and XXVII. of this Regulation, and the Court shall be of opinion that the error or omission did not arise from any fraudulent motive, or from any design on the part of the plaintiff to evade the provisions of the Regulation, it shall be competent to the Court, either to permit or to direct the plaintiff or appellant in the suit to file a duplicate of the plaint on stamped paper, of such a value as may be sufficient to complete the full amount of the stamp duty prescribed by the sections above-mentioned.

No copy of any paper to be authenticated by any public officer, or received in evidence, unless transcribed on stamped paper, according to the rates specified in this section.

XXXV. *First.* No copy which may be hereafter made of any paper of the following descriptions shall be authenticated by any public officer, or received as evidence in any court of judicature, unless transcribed on stamped paper according to the following rates:

Copies of decrees passed by Registers, Assistant Registers, and by Judges of the City and Zillah Courts, shall be written on paper of the value of..... One rupee.

Copies of decrees passed by the Court of Appeal on paper of Two rupees.

Copies

Copies of decrees passed by the Court of Sudder Dewanny Adawlut shall be written on paper of ..... Four rupees.

Authenticated copies of revenue and judicial proceedings, authenticated copies of accounts, statements, reports, or other documents, which individuals may require for use or reference, shall be written on paper of the value of..... Eight annas.

On what paper copies of decrees for record are to be written.

Second. But copies of decrees which may be prepared by the courts to remain with their records, shall be written on unstamped paper, of the same size and description with that which is stamped for the copies thereof, delivered or tendered to the parties.

Copies of papers made for records or official use not required to be written on stamped paper.

Third. Copies also of proceedings, or orders, accounts, statements, or other papers, made for records of court or for transmission to other courts or public offices, may be written as heretofore, on unstamped paper, except in cases in which it may be otherwise specifically provided for in this Regulation.

Copies which individuals may be authorized to make for their own use need not be written on stamped paper, but shall not be authenticated by any seal or signature.

Fourth. It is not intended to preclude individuals from making, for their own use and at their own expense, copies of judicial or revenue papers, with the permission of the Court or of the Collector, or other public officer having charge thereof, upon common paper; but copies so made on unstamped paper shall not be authenticated by any public officer, nor admitted in evidence in any public office whatsoever.

Fifth. Copies of decrees delivered by Native Commissioners to parties are not to be written on stamped paper.

Sixth. But petitions presented to a Zillah Judge, to obtain the enforcement of a decree of any native Commissioner, shall be written on stamped paper, of the value prescribed in Section XXXII. of this Regulation.

Rules regarding the stamped paper on which copies of certain documents are required to be written.

XXXVI. All authenticated copies of the documents specified in Section XXIII. of this Regulation, which may be prepared as legal vouchers by a Cauzy, Mufty, or other authorized person, shall be written on stamped paper, according to the rates prescribed for the originals of such deeds. Any copies not written on such paper will not be admissible in evidence, under Section XIII. of this Regulation.

Security bonds and other deeds not relating to any specific sum of money or any specific value due, to be written on stamped paper of the value of one rupee.

XXXVII. In explanation of Section XXIII. of this Regulation, it is hereby declared, that security bonds for appearance (hazerzaminee), security bonds for the payment of eventual costs of suit, as well as all other security bonds, not being for a specific amount, so as to make it practicable to apply to them the table of rates stated in Section XXIII. of this Regulation, are required to be written on stamped paper of the value of one rupee, under the penalty declared in Section XIII. of this Regulation.

Explanation of certain provisions in this Regulation.

XXXVIII. *First.* It is hereby explained, that Sections XXV., XXVI., XXVII., XXVIII., XXX., XXXI., and XXXIII. of this Regulation, are meant to apply only to original regular suits, and to appeals, regular or special, from judgments passed on the merits of such suits; and not to summary suits or to summary appeals, or to miscellaneous petitions, or applications of any description.

On what stamped paper pleadings in summary suits and in miscellaneous applications are to be written.

Second. In all original summary suits and summary appeals, authorized by the Regulations, and in all miscellaneous applications, the plaint, petition, or

or application, the answer, and other pleadings, shall be written on the stamped paper prescribed in Section XXXII. of this Regulation.

Third. The provisions of Section XXX. of this Regulation are not intended to apply to exhibits, accompanying or referring to any miscellaneous petition or application, which were formerly, under Section IV., Regulation VIII. A. D. 1802, not liable to the payment of a fee on such exhibits being filed.

Certain applications made from revenue officers may be written and filed in the courts on unstamped paper.

XXXIX. All applications made by the Collectors or Assistant Collectors to the courts of judicature for the apprehension or confinement of defaulters, or on any other subject relating to the public revenue, may be written upon common paper without a stamp. This rule, however, shall not be considered applicable to any regular suit in which Government, a Collector, or an Assistant Collector, may be a party, either on their own account as individuals or on the part of Government.

Wakalutnamahs and certain other documents declared to be not liable to the stamp duty on exhibits.

XL. It is hereby explained, that wakalutnamahs and mokhtarnamahs, arbitration bonds, security bonds for appearance, as well as security bonds for the eventual payment of costs, or for the performance of a decree, or for staying or enforcing the execution of a decree, which may be executed in any original suit or appeal, are not liable to the stamp duty on exhibits prescribed by Section XXX. of this Regulation.

Exception in favour of deeds executed in a foreign jurisdiction.

XLI. The British courts of judicature being open to all descriptions of persons, it is necessary to explain that nothing herein before declared, in regard to stamped papers, shall prevent the courts from receiving and filing bonds, deeds, or other instruments, enumerated in Sections XIII. and XXIII., although they may be written upon unstamped paper or other material; provided that the same were executed beyond the limits of the Honourable Company's territories; and provided also, that one of the parties thereto, at the least, is not a subject of the British Government, or both parties being subjects, that the bond or other obligation arose *bonâ fide* out of a transaction originating and completed within a foreign jurisdiction where stamped paper was not to be procured, and that it was not so executed collusively, with intent to defraud the revenue: the proof of all which conditions must, of course, rest with the holder of such instrument.

Proviso.

APPENDIX, No. I.

Oath.

I, A. B., appointed Superintendent of the Stamps, solemnly swear, that I will diligently and faithfully execute the duties of the said office according to the best of my knowledge and judgment; and that I will not, directly or indirectly, derive, or knowingly allow any person to derive, any pecuniary advantage or emolument from or on account of any matters relating to the said office, excepting such as may be expressly authorized by the Governor in Council. So help me God.

No. 2.

Form of Engagement to be executed by Persons appointed to the Office of Stamp Darogah.

I, A. B., appointed by the Collector of ..... to be Stamp Darogah, do hereby engage to perform the duties attached to the office of Stamp Darogah. I will carefully count and examine the stamps transmitted from the General Stamp Office, and attest the receipts executed by the Collector for the same, and likewise prepare the indents for the supplies of stamps which may be required from the Superintendent. I will cause the different stamp-venders established in the district to be supplied, in pursuance of such instructions as I may receive from the Collector, with proper quantities of stamp paper, and I will carefully examine and compare the accounts of such stamp-venders. I will be responsible for the accounts of the Stamp Office, and for the value of the paper entrusted to my charge, and I will do every thing in my power to prevent imposition and fraud in the Stamp Office, and will submit to the Collector any information which I may obtain respecting the forgery or fabrication of stamps.

Executed before me this ..... day of .....

(Signed) C. D.

No. 3.

Form of Engagement to be executed by Persons appointed to the Office of Stamp Vender.

I, A. B., appointed to vend stamps at ....., in the pergunnah of ....., in the district of ....., do hereby engage faithfully to observe the following conditions.

1st. That I will carefully examine every stamp paper which may be entrusted to me for sale, and certify in my receipts for the same that such paper bears the stamp of Government, and the signature of the Superintendent or his Assistant.

2d. That I will not charge more for any stamp or stamps entrusted to me for sale than the established price for such stamp or stamps.

3d. That I will monthly prepare and deliver to such persons as may be authorized to receive the same, a faithful account of all the stamped paper which may be sold by me, and will likewise specify the balance which may remain in store, under my charge, and will, on no account, allow any person to take stamped paper away, without receiving and bringing to account the price of such stamped paper.

Executed before me, this ..... day .....

(Signed) C. D., Collector.

No. 4.

Form of Sunnud to be granted to Persons appointed to the Office of Stamp Darogah.

(L. S.)

Whereas A. B. has executed the engagement prescribed by Section ..... to be entered into by persons appointed to the office of Stamp Darogah, I, C. D.,

C. D., Collector of ....., do hereby constitute and appoint the said A. B. to be Darogah of the Zillah Stamp Office under my charge.

Given under my hand and seal, this ..... day of .....

(Signed) C. D., Collector.

No. 5.

Form of Sunnud to be granted to Persons appointed to the Office of Stamp Vender.

(L. S.)

Whereas A. B. has duly executed the engagement required by Section ..... to be executed by persons authorized to sell stamps, I, C. D., Collector of ....., do hereby authorize the said A. B. to be a stamp-vender, and to open an office for the sale of stamps at ....., in the pergunnah of ....., in the district under my charge.

Given under my hand and seal, this ..... day of .....

(Signed) C. D., Collector.

A. D. 1815. RULE, ORDINANCE, AND REGULATION I.

A RULE, *Ordinance, and Regulation, for vesting in His Majesty's Justices of the Peace a general Controul over the Sale of Toddy and all other fermented or intoxicating Liquors throughout the Island of Bombay:* PASSED *in Council the 8th day of March* 1815, *and registered in the Court of the Recorder of Bombay on the 4th day of July following.*

Preamble.

ARTICLE I. Whereas, by Rule, Ordinance, and Regulation II. 1812, a control over the sale of arrack and other spirituous liquors is vested in His Majesty's Justices of the Peace throughout the island of Bombay, and whereas, in order to prevent as much as possible the inordinate use of other intoxicating liquors, which are highly prejudicial to the health and morals of the people, and to the peace and good order of society, it is deemed expedient to extend that authority, and to subject the sale of toddy and all other fermented or intoxicating liquors, in like manner, to the control of His Majesty's Justices of the Peace throughout the island: Be it therefore ordained, by the authority of the Right Honourable the Governor in Council now assembled, that from and after the due registry and publication of this Rule, Ordinance, and Regulation, in the Honourable Court of the Recorder of Bombay, each and every one of the eight articles of Rule, Ordinance, and Regulation II. of 1812, appertaining to the vend of spirituous liquors, shall also, in like manner, be held applicable to the retail of toddy, and all other fermented or intoxicating liquors, and as such shall have the full force of law within this island.

His Majesty's Justices of the Peace vested with a general controul over the sale of toddy and all other fermented or intoxicating liquors, throughout the island.

Rule, Ordinance, and Regulation II. 1812, made applicable to the retail of toddy, &c.

No fee to be charged on the licenses to the Bhandaries.

ARTICLE II. No fee is, however, to be charged on the issue of licenses to the Bhandaries or toddy-drawers under this Regulation.

A. D. 1815. RULE, ORDINANCE, AND REGULATION II.

A RULE, *Ordinance, and Regulation, for widening the Wheels of Hackeries and other native Conveyances:* PASSED *in Council on the 7th day of June* 1815, *and registered in the Court of the Recorder of Bombay on the 20th day of July* 1815.

Preamble.

ARTICLE I. Whereas the public roads of the town and island of Bombay are much prejudiced by the narrowness of the wheels of carts, hackeries, and other conveyances, for remedy whereof be it ordained, by the authority of the Right Honourable the Governor in Council now assembled, that from and after the 1st day of May 1816, the sole or bottom of the fellies of all carts, hackeries, and other native conveyances, by whatsoever name or names the same now are or shall or may be called, and which at any time shall be used for the purpose of carrying heavy loads, or goods, wares, and merchandizes, or for other purposes of trade or labour, and also all carts or hackeries, or other native conveyances, by whatsoever name or names the same now are or shall be called, and which shall be used for pleasure, and shall be drawn by one or more horse or horses without springs, shall be three inches in breadth.

Sole or bottom of the fellies of all carts, hackeries, and other native conveyances, to be two inches in breadth.

ARTICLE II. That the sole or bottom of the fellies of all carts, hackeries, and other native conveyances without springs, and which shall be drawn by bullocks, or which having springs shall be drawn by one or more horse or horses, shall be two inches in breadth.

All such conveyances to be numbered.

ARTICLE III. And for the better discovery of offenders against this present Rule, Ordinance, and Regulation, it is hereby ordained, that all and every owner or owners of any cart, hackery, or other native conveyance, are and is hereby required to apply to the assessor for the time being for the number of his or their cart, hackery, or native conveyance; and thereupon the said Assessor shall, and he is hereby authorized and required, upon payment of one quarter of a rupee for each number, and as often as the same shall be applied for, to grant such number thereof, and to mark the same upon such cart, hackery, or native conveyance, accordingly.

Fee for obtaining the same.

Period from which the same is to commence.

ARTICLE IV. And it is hereby ordained, that from and after the 1st day of May 1816, no person or persons shall presume to drive or otherwise use any cart, hackery, or other native conveyances with wheels of a less breadth than those herein-before specified, or without being numbered as herein-before directed, upon pain to forfeit for every such offence the sum of fifty rupees, one moiety of which shall be given to the informer, and the other moiety shall be applied to the repair and preservation of the public roads of the island.

Penalty for breach of the Regulation.

Offences to be tried by the Petty Sessions.

ARTICLE V. And be it further ordained, that the offences against this Rule, Ordinance, and Regulation, or any thing therein contained, shall be heard and determined in a summary way by the Court of Petty Sessions, upon the oath of one or more credible witnesses, the party accused being summoned to make defence, or upon confession of the party offending.

Penalties and forfeitures how to be levied.

ARTICLE VI. And be it further ordained, that all penalties and forfeitures by this Rule, Ordinance, and Regulation imposed, shall be levied by distress and sale of the goods and chattels of the offender or persons liable or ordered to pay the same, by warrant or authority of the Court of Petty Sessions.

Numbers to be renewed annually.

ARTICLE VII. And be it further ordained, that this Rule, Ordinance, and Regulation, shall commence and take effect upon the 1st day of May 1816; and that the number for each and every such cart, hackery, or other native conveyance, so required to be registered as aforesaid, shall be renewed at the expiration of each and every twelve calendar months from the 1st day of May 1816.

A.D. 1815. RULE, ORDINANCE, AND REGULATION III.

A RULE, *Ordinance, and Regulation, for enlarging, explaining, and amending Rule, Ordinance, and Regulation* I., *and Rule, Ordinance, and Regulation* III. *of* 1812; *the former passed by the Honourable the Governor in Council on the 25th March* 1812, *and registered in the Court of the Honourable the Recorder on the 20th of May following; and the latter passed by the Honourable the Governor in Council on the 4th of November* 1812, *and registered in the same Court on the 26th day of December next ensuing; and for other beneficial purposes:* PASSED *by the Right Honourable the Governor in Council on the 5th of July* 1815, *and duly published and registered in the Court of the Recorder of Bombay on the 15th day of August* 1815.

Preamble.

WHEREAS it is expedient that the above Rules, Ordinance, and Regulations, so passed as aforesaid, should be further enlarged, explained, and amended, and that further powers should be given to the Court of Petty Sessions: Now be it therefore ordained, by the authority of the Right Honourable the Governor in Council now assembled, that from and after the due registry and publication of this Rule, Ordinance, and Regulation in the Court of the Recorder of Bombay, the said Rule, Ordinance, and Regulation, consisting of the articles herein-after stated, shall have the full force of law within this island, and shall be strictly obeyed as such by all His Majesty's subjects inhabiting the same.

Extension of the breadth of streets prescribed by Rule, Ordinance, and Regulation III. 1812.

ARTICLE I. And whereas, by the Article I. of the said Rule, Ordinance, and Regulation III. 1812, so intended to be hereby enlarged, explained, and amended as aforesaid, it is ordained, that the main street through the bazar should be enlarged to the breadth of forty feet from house to house, that Moodey's street should be enlarged to the breadth of thirty-five feet, that Boras street should be enlarged to twenty-five feet, and all cross streets within the fort should be of the breadth of sixteen feet: and whereas such article is not sufficiently comprehensive and explicit, now be it ordained, that Church street shall be enlarged to forty-five feet; that the following streets and lanes, *viz.* Apollo street, Marine street, Bazar-gate street, and Barrack street, shall be enlarged to forty feet; that the following street and lane

lane, *viz.* Moody street and Church lane, shall be enlarged to thirty-five feet; that the following streets, *viz.* Forbes street, Meadows street, and Military street, shall be enlarged to thirty feet; that the following streets and lanes, *viz.* Hummum street, Dean lane, Tamarind lane, and Boras street, shall be enlarged to twenty-five feet; that the following streets and lanes, *viz.* Bruce's lane, Byramjee Hormusjee's lane, Bakehouse lane, Golah lane, Oak lane, Bell's lane, Musseed lane, Rutterfield street, Military lane, and Nanabhoy Bomanjee's lane, shall be enlarged to twenty feet, and all other cross streets and lanes shall be extended to sixteen feet.

Penalty for the non-observance of the rules prescribed for persons desirous of building or repairing previously to their commencement.

ARTICLE II. And whereas, by the tenth and eleventh articles of the said third Rule, Ordinance, and Regulation, it is specially ordained, that all persons desirous of building, repairing, or altering any house or tenement, or the boundaries of any ground within the island of Bombay, are to prefer their applications to the Court of Petty Sessions, and further, that no person shall take down or remove any wall or foundation contiguous or adjoining to any of the main roads or streets throughout the island of Bombay, for the purpose of rebuilding the same, or for any other purpose, without an application to the Court of Petty Sessions, communicated to the Engineer acting under their orders, and sanctioned by the Collector and the said Engineer, and finally confirmed by the said Court, in manner more particularly mentioned in the said article: and whereas, notwithstanding such Rule, Ordinance, and Regulation, many persons resident within the said island of Bombay have, since the passing of the same, repaired and altered, in various ways, their houses and tenements, without having first duly complied with such Rule, Ordinance, and Regulation, by previously obtaining such certificate as aforesaid: and whereas many such persons have not desisted from carrying on such alterations or repairs, notwithstanding they have been duly required by the said court so to do: be it therefore ordained, by the authority aforesaid, that every person who shall henceforth build, repair, or in any wise alter, or cause to be built, repaired, or in any wise altered, any house or tenement, or the boundaries of any ground contiguous or adjoining to any road, street, or lane, in the island of Bombay, or shall take down or remove, or cause to be taken down or removed, any wall or foundation contiguous or adjoining to any of the said roads, streets, or lanes, without having first obtained in writing, duly signed by the Clerk to the Petty Sessions, such certificate or final confirmation as aforesaid of such court, or having obtained such certificate or confirmation, shall in any wise wilfully, or with the view of taking any advantage thereof, alter the same, shall pay and forfeit a sum not exceeding five hundred rupees, over and above the expense of demolishing any such erection or erections that may have been made, without the order or final confirmation of the said Court of Petty Sessions, and which said erection or erections the said Court of Petty Sessions are hereby expressly instructed and authorized to demolish and remove, in such manner as they shall deem most expedient for the public benefit and convenience; the materials of which such erection may have been formed being hereby declared to be forfeited to, and to become the property of the Court of Petty Sessions, who are hereby authorized and directed either to sell the same and carry the amount produced by such sale to the credit of the Police Fund,

Unauthorized buildings to be removed.

Their materials forfeited.

How to be disposed of.

Fund, or to apply the said materials towards repairing the roads of the island, as may be most expedient.

Fine on introducers of combustible materials, contrary to orders, within the town of Bombay.

ARTICLE III. And whereas, by Article XIII. of the said Rule, Ordinance, and Regulation III. 1812, certain combustible articles are forbidden to be admitted within the town of Bombay at any of the gates, unless by special written permission by order of the Honourable the Governor or Commandant of the Garrison, or under the signature of the senior Magistrates of Police, or of the Town Major or Fort Adjutant, who are thereby respectively ordered to keep a registry of all such licenses as may be severally granted by them, all of which articles, on being found within the walls of the said town, are thereby directed to be removed without the gates by the order of any one of the Magistrates, at the expense of the owners: and whereas, also, by Article XV. of the said Rule, Ordinance, and Regulation, fifty bundles of hay are permitted to be brought for the daily consumption of each horse kept within the walls of the garrison, such hay to be introduced under the authority of the passes therein mentioned, and to be monthly exchanged for new passes, the latter not being issuable till the former be surrendered: and whereas no provision is made by either of the said last beforementioned articles for punishing such persons as may infringe either of the same; now be it ordained, that all persons who shall infringe the said articles, or either of them, shall, on due proof thereof before the Magistrates in Petty Sessions, be liable to a fine not exceeding thirty rupees for each offence, and which said fine the Magistrates in Petty Sessions are hereby authorized and empowered to impose and levy.

Fine and punishment on persons using lights in stables contrary to orders.

ARTICLE IV. And whereas, by the seventeenth article of the said third Rule, Ordinance, and Regulation, no lights are allowed in stables, cow or buffaloe-houses, within the gates of the Fort, except in hanging globe-lamps or lanthorns, and all persons discovered smoking in such buildings are ordered to be taken up: and whereas such article is not sufficiently extensive in its operation: and whereas no provision is thereby made for otherwise punishing such persons as may infringe such article; now be it as well ordained, that the provisions in such article shall from henceforth have effect, not merely within the Fort but over the whole island of Bombay, so that all persons found smoking in such buildings, or in any wise infringing the said article, shall, on due proof thereof before the Magistrates in Petty Sessions, be liable to punishment by whipping, in such manner as the Court of Petty Sessions shall direct, not exceeding in any case twelve stripes; or to the payment of a fine not exceeding fifty rupees, and which said fine the Magistrates in Petty Sessions are hereby authorized and empowered to impose and levy.

Fine on persons building houses of prohibited materials.

ARTICLE V. And whereas, by the eighteenth article of the said Rule, Ordinance, and Regulation, the construction, both within the walls of the garrison and the limits of the native town, of all houses, sheds, or huts, whether of tatta and cadjans or of other materials than stone or brick with tiled roofs, is prohibited; therefore, for the better enforcement of the said article, it is hereby ordained, that any person constructing any such house, shed, or hut with any other materials than stone or brick with tiled roofs, shall

shall for every such offence forfeit and pay to the Court of Petty Sessions a sum not exceeding one hundred rupees over and above the expense of demolishing such buildings; and which said building, erection or erections, the said Court of Petty Sessions are hereby expressly instructed and authorized to demolish and remove, in such manner as they shall deem most expedient for the public benefit and convenience, the materials of which such building may be formed being hereby declared to be forfeited to and to become the property of the Court of Petty Sessions, who are hereby authorized and directed either to sell the same and carry the amount produced by such sale to the credit of the Police Fund, or to apply the said materials themselves towards repairing the roads of the island, as may be most expedient.

Such buildings to be demolished.

Their materials how to be disposed of.

Article VI. And whereas numerous complaints have been made of the danger arising to the lives and properties of the inhabitants of this island, from the practice of erecting large piles of wood for sale, and hay-stacks, close to the houses of the inhabitants within the Black Town, and frequently in the most populous parts of the island, it is hereby enacted, by the authority aforesaid, that it may be lawful for the Court of Petty Sessions, on the complaint of any person in consequence of such apprehended danger from any piles of wood, hay-stacks, or other combustible substances, to examine into the facts, and in case of risk, to order the removal of any such dangerous materials; and if the owner shall fail to remove them within three days after notice given for that purpose to him, that then such materials may be removed by the order of the said Court, who are hereby authorized to impose upon the person so failing to comply with such order a fine equal to the expense of removing the same, with a further sum not exceeding eighty rupees, and which said fines the said Court of Petty Sessions are hereby empowered and authorized to impose and levy.

Piles of wood and hay-stacks erected close to the houses of inhabitants to be removed by their owners within a given period.

Otherwise by the Petty Sessions.

Fine on the owners failing to remove them.

Article VII. And whereas, by the twenty-fifth and twenty-sixth articles of the said third Rule, Ordinance, and Regulation, it is ordained that the Court of Petty Sessions shall and may, at any time after the taking effect of the said Rule, Ordinance, and Regulation, cause notice to be given, in such manner as they shall think proper, to the owner or occupier of any house, building, lands, tenements, or hereditaments, within the island of Bombay, from which any pent-house, bow-window, porch, balcony, rail, bulk, sign-post, spout, gutter, or other thing, doth or shall hang over, or in any way project or encroach upon any street or other public passage, and to the owner or occupier of any stall, shamble, or booth, standing in or otherwise encroaching upon any street or other public passage, warning by such notice the said owner or occupier that he remove or regulate such projection or encroachment, in such manner as not to incommode the public; and in case such owner or occupier shall refuse or neglect so to do, for the space of fifteen days next after such notice shall have been given to him, that it shall and may be lawful for the said court to cause any and every such pent-house, bow-window, porch, shed, balcony, rail, bulk, sign-post, spout, gutter, stall, shamble, booth, or other encroachment, nuisance, or annoyance, to be removed and regulated in such manner as they shall think proper, and such owner or occupier shall forfeit to the said court a sum equal to the expenses and charges which the court shall incur in doing the same. And that no head

Projections and encroachments in streets and passages to be removed by persons causing them within a prescribed time.

Otherwise by the Petty Sessions at the expense of such persons.

Head builder and master-carpenter, master-

mason or workmen prohibited from bringing forward foundations of new buildings beyond the old foundations.

head builder, master carpenter, master-mason, or workman, shall, in rebuilding or new fronting any old building, situated in or near any street, square, lane, or public way, bring the foundation thereof forward beyond the old foundation, so as to encroach upon any such street, square, lane, or public way; and that every person so offending shall forfeit and pay to the Court of Petty Sessions for every such offence the sum of one thousand rupees;

Penalty for non-observance.

Penalty on owners of such buildings till removed.

and the owner of such building shall also forfeit and pay to the said court the further sum of one thousand rupees, for every month such obstruction or encroachment shall remain, by the foundation of such building being brought forward as aforesaid, after notice given to him or her, or left at the place of his or her last abode by the surveyor, to remove the same. And

To be taken down and removed by the Petty Sessions at the cost of the owners.

that it shall and may be lawful to and for the said court to order the same to be taken down, or regulated in such manner as they shall think proper, and that such owner or occupier shall forfeit and pay to the said court a sum equal to the expenses and charges which the said court shall incur in doing the same. And whereas the said two articles (together with various others) are inefficient, inasmuch as they do not invest the Magistrates with a power of recovering such forfeitures; and whereas it was and is intended that in all cases where the Court of Petty Sessions are, by any Rule, Ordinance, and Regulation, empowered to impose fines, or where forfeitures are by any Rule, Ordinance, or Regulation, declared to be payable, that the said court should have full power to enforce the payment thereof; now be it ordained, that all persons who shall at any time be fined by the said court, under and by virtue of any power by any Rule, Ordinance, and Regulation given to the same, or who shall be declared, as aforesaid, to be liable to any forfeitures, and who shall not immediately discharge the fine or forfeiture imposed on or declared to be payable by him, her, or them, the amount of such fine, penalty, or forfeiture shall be levied by issuing process against his or her

Costs how to be recovered.

property, by warrants under the hands and seals of two or more of the Magistrates in Petty Sessions (and which warrants the said Magistrates are hereby empowered to issue) to any person they may think proper, directing him to seize and openly sell, in some public spot on the island, so much property belonging to the person refusing or omitting to pay the fine, penalty, or forfeiture, so by the authority aforesaid imposed upon or declared to be payable by him, her, or them, as shall be adequate to defray the amount of the said fine, penalty, or forfeiture, and every reasonable expense which may attend

Offenders how to be punished if possessed of no property.

the sale of such property seized upon; and if property belonging to such offenders, sufficient to make good the said fine, penalty, or forfeiture, be not found, such offender or offenders shall be committed to gaol, and kept to hard labour, at the discretion of the said Magistrates, for a period not exceeding two months.

Fine on all persons making pits, holes, or excavations, or laying timber, filth, rubbish, &c. on roads, streets, and lanes.

ARTICLE VIII. And whereas many and great injuries are done to the public streets, roads, and lanes of this island, by various methods, all of which at least render the same less commodious and passable; now be it ordained, that all persons who shall make, or cause to be made, any pit, hole, or excavation, or lay, or cause to be laid, any log of timber, filth, rubbish, or any obstruction or annoyance whatsoever in, under, over, or upon any of the public streets, roads, or lanes of this island, or put, or cause to be put, any stones, filth, or other substance, calculated to obstruct the course of the same,

same, into any of the drains or sewers under or connected with any of the public streets, roads, or lanes of this island, or who shall in any wise block up, or cause to be blocked up, any such drains or sewers, shall be liable to such fine or penalty as the nature of the case may require, or the Court of Petty Sessions, in its discretion, may deem reasonable and fit, so that the same do not for each offence exceed the sum of one hundred rupees.

Persons secretly depositing filth and rubbish in the public streets and roads, to be fined on discovery.

ARTICLE IX. And whereas it is not unfrequent for persons secretly to deposit, principally during the night, various collections of filth and rubbish in the public streets, roads, and lanes of this island, and also to dig pits and holes in the same, whereby it is difficult to ascertain the identical person who deposited or dug the same; now be it ordained, that in every case where filth or rubbish shall be proved, on the oath of one witness, to be lying, or holes or pits to be dug, in the public streets, roads, and lanes of this island, it shall be competent to the Court of Petty Sessions to summon before them the occupier, or owner (where the same be not occupied) of the dwelling-house, stable, out-house, or premises, against, contiguous, opposite or near to which the said filth or rubbish shall be lying, and to call on such owner or occupier either to remove the same, or to produce the person who actually deposited such filth or rubbish, or dug such pits (tendering to this court at the same time one competent witness, at least, to substantiate the fact), or to remove, or cause to be removed, at his or her own expense, the said filth or rubbish, or fill up the said pit or hole: and in case such owner or occupier shall fail (when so called upon) either to produce, in such manner as aforesaid, such offending person, or remove such filth or rubbish, or fill up such pit or hole, within the space of one week at furthest, it shall be lawful for the said Court of Petty Sessions to fine such occupier or owner to an extent not exceeding fifty rupees; and in case he, she or they shall refuse to pay such fine, the Magistrates of the said Court of Petty Sessions may, at their discretion, either levy the same by distress, or commit him, her, or them, so refusing to pay the same, to the common gaol, for any period not exceeding one fortnight.

Otherwise the owners of the contiguous houses, if they do not remove them within a prescribed term.

Fine how to be recovered.

The erection of arches over the public drains without permission prohibited.

ARTICLE X. And whereas great and essential injury is frequently done to the streets, roads, and lanes of this island, by persons insufficiently building or carrying arches over the public drains, whereby the water is obstructed in its course and thrown out of its proper channel, now be it hereby enacted, that no persons whatsoever shall be at liberty to erect or carry any arch, or place any materials, either temporary or permanent, over any of the public drains of this island, without first duly obtaining the consent in writing of the Court of Petty Sessions; and any person or persons who shall erect or carry, or cause to be erected or carried, any arch, or place, or cause to be placed any materials, either temporary or permanent, over any of the public drains of this island, without first obtaining such consent as aforesaid, shall be liable to the payment of a fine not exceeding one hundred rupees, and which said fine the Magistrates in Petty Sessions are hereby authorized to impose and levy.

Offenders to be fined.

Prohibition on persons carrying on their different trades in the public roads.

ARTICLE XI. And whereas many persons are seen frequently working and carrying on their different trades in the public roads, to the great annoyance and nuisance of those who are passing by, now be it ordained, that if

any

any persons shall, after the passing this Rule, Ordinance, and Regulation, be found working or carrying on their trades in any of the public streets, roads, or lanes of this island, other than hawkers and pedlars carrying about from place to place their goods for sale, he shall, on conviction before one Justice, by confession, or view of the Justice, or oath of one witness, forfeit any sum not exceeding ten rupees; and in default of payment shall be committed to the common gaol, there to be kept at hard labour for any time not exceeding one month, unless such forfeiture shall be sooner paid; and every such person may, without any warrant, be apprehended by any person who shall see such offence committed, and shall be immediately conveyed to a constable or other peace officer, in order to be carried before a Justice.

Fine on offenders.

Offenders how to be punished in default of payment.

ARTICLE XII. And whereas logs of timber, benches, cots, and other obstructing and annoying substances and articles are frequently found lying in the middle and on the sides of the public streets, roads, and lanes of this island, the owner or owners of which it is difficult to find or ascertain, now be it ordained, that the said Court of Petty Sessions shall have full power and authority, and are hereby invested therewith, not only to remove or cause to be removed such logs of timber, benches, cots, and all other obstructing or annoying substances, but also to sell or cause the same to be sold, in manner aforesaid, for the benefit of the Police Fund: and any person who shall resist or make forcible opposition against the said Court of Petty Sessions or its officers, either when carrying into effect the aforesaid duty, or any other enjoined by any rule, ordinance, or regulation, shall be amenable to the said court which, in vindication of its own authority, is hereby empowered to punish all such offenders by fine, not exceeding one hundred rupees, or imprisonment in the common gaol, for not less than one or more than two months, there to be kept at hard labour.

Timbers, benches, cots, &c. lying on the roads and streets, of which no owners can be ascertained, to be removed and sold for the benefit of the public fund.

Persons resisting against the Petty Sessions and their officers how to be punished.

ARTICLE XIII. And whereas not only the boughs but the bodies of trees growing near the highways are suffered to hang over the same, in such manner as not only to do material injury to the roads, but even to endanger the lives of those who are passing along, now be it therefore ordained, that the Court of Petty Sessions shall have full power and authority, and are hereby invested therewith, to lop, grub up, or remove, or cause to be lopped, grubbed up, and removed, all such trees hanging over as aforesaid, provided the owner, having six days' previous notice from the said court of its intentions (and which notice the said court are hereby enjoined to give), shall not previously lop, grub up, or remove, as the case may require, the said tree or trees so hanging over the roads or endangering the lives, as aforesaid, of the inhabitants of this island: and the said court is hereby authorized, for the purposes aforesaid, to enter, by itself or officers, the compound of all such persons who shall refuse or neglect, having such notice as aforesaid, to lop, grub up, and remove such trees as aforesaid.

Boughs or bodies of trees growing near the highways and hanging over them, to be lopped, grubbed up, or removed within a prescribed time by the owners.

Otherwise by the Petty Sessions.

ARTICLE XIV. And whereas much mischief has arisen from trees, bushes, and shrubs being planted too near to the public roads of this island, now be it ordained, that from and after the passing of this Rule, Ordinance, and Regulation, no tree, bush, or shrub shall be planted along the sides of the highways in this island, without the permission of the Court of Petty Sessions; and, in furtherance of such ordinance, the said Court of Petty Sessions

Prohibition on the planting of trees, bushes, and shrubs near the public roads without permission.

sions are hereby invested with power (similar to that in the last article contained) of removing and grubbing up any such bush or shrub that may be so planted without permission.

To be removed, if unauthorisedly planted.

ARTICLE XV. And whereas, in defiance of all decency and to the annoyance of passengers, persons are frequently seen easing themselves in the public roads of this island, now be it ordained, that every person easing himself on the beach forming the west side of the Esplanade, or so easing himself on or by the side of or contiguous to any public street, road, or lane, shall, on conviction before one Justice by confession, or view of the Justice or oath of one witness, forfeit any sum not exceeding three rupees, and in default of payment thereof shall, at the discretion of the Magistrates, either be committed to the common gaol, there to be kept at hard labour for a time not exceeding one fortnight, or be put in the roundabout for half an hour; and every such person may without warrant be apprehended by any passenger going by at the time, and who shall see such offence committed, and shall be immediately conveyed to a constable or other peace officer in order to be carried before a Justice.

Punishment on persons exposing themselves in the public roads, streets, &c.

ARTICLE XVI. And whereas many bad accidents happen and great mischief is frequently done upon the street and highways, by the negligence or wilful misbehaviour of persons driving carts, hackeries, or carriages, or riding horses thereon, it is therefore hereby ordained, that if the driver of any cart, hackery, or carriage whatsoever, on any part of any street or highway, shall either drive or ride violently or furiously along, or shall by negligence or misbehaviour cause any damage to any person, or to any cart, hackery, or carriage passing upon such street or highway, or shall quit the highway and go on the other side the wall or fence enclosing the same, or wilfully be at such distance from such cart, hackery, or carriage, whilst it shall be passing upon such highway, that he cannot have the direction of the animals drawing the same, or shall, by negligence or misbehaviour, prevent or interrupt the free passage of any other cart, hackery, or carriage on the highways; or if the driver of any empty cart, hackery, or carriage whatsoever, shall refuse or neglect to turn aside for any coach, chariot, chaise, loaded cart or hackery, or other loaded carriage, or shall wilfully set or leave any hackery, cart, or other carriage (except only during such reasonable time as the same shall be loading or unloading and standing as near the side of such highway as convenient may be), so as to interrupt or hinder the free passage of any other carriage or of His Majesty's subjects, he shall, on conviction before one Justice, by confession or view of the Justice, or oath of one witness, forfeit any sum not exceeding twenty-five rupees, in case the driver shall not be the owner of such carriage, and if the offender be the owner, then any sum not exceeding fifty rupees, and in default of payment shall be committed to the public gaol, there to be kept at hard labour for any time not exceeding one month, unless such forfeiture shall be sooner paid; and every such driver offending in either of the said cases may, by the authority of this Rule, Ordinance, and Regulation, with or without any warrant, be apprehended by any person who shall see such offence committed, and shall be immediately conveyed before a Justice, to be dealt with according to law.

Owners and drivers of carriages or horses violently or furiously driving them, and placing them in parts of roads, &c., to the damage of passengers and other carriages, &c. to be punished.

That part of Rule, Ordinance, and Regulation I. 1812, empowering the Court of Petty Sessions to decide on questions respecting casts, repealed.

ARTICLE XVII. And whereas, by the article the eleventh of Rule, Ordinance, and Regulation I., it is enacted that the Court of Petty Sessions shall possess the power of deciding on all questions respecting the appointment of the officers of casts, according to the usage of the respective casts, and decide on all complaints of expulsion from casts, subject nevertheless to an appeal to the Governor in Council; and whereas great inconvenience has arisen, and is still likely to arise, from interfering in the usages and customs of the natives respecting casts; it is hereby ordained, that the said eleventh article of Rule, Ordinance, and Regulation I. 1812, shall be and is hereby repealed.

Plaintiffs, defendants, and witnesses, regularly summoned, how to be punished for non-attendance.

ARTICLE XVIII. And whereas the course of public justice is frequently delayed and impeded, to the great detriment of the public peace, by the non or irregular attendance of parties, as well plaintiffs and defendants as of witnesses, before the said court, now be it hereby ordained, that the said Court of Petty Sessions shall have full power at all times to summon and bring before them all persons whose presence is necessary to promote the purposes of justice; and in aid of such ordinance, the Magistrates composing the said Court of Petty Sessions are hereby severally authorized at any time to summon and cause to be brought before the said court, all persons of that description, and in the event of any person duly summoned not attending as required by the said court, or having attended departing therefrom without leave of the Magistrates composing the same, it shall be competent to the said court to issue a warrant for the apprehension of such person, and when apprehended to punish the offender, by fine not exceeding two hundred rupees, and in default of payment, imprisonment in the common gaol for not less than one fortnight or more than two months.

The amount of the recognizance for keeping the peace to be paid by the securities of persons entering into the same on the latter's forfeiture or conviction.

ARTICLE XIX. And whereas it is expedient to prevent, as much as possible, the increase of immoral habits amongst the lower classes of the community; and whereas the commitment of offenders to the common gaol has, in too many instances, the deplorable effect of rendering them worse rather than better members of society; and it being therefore desirable that the Magistrates should, in all available cases, take security for the future good behaviour of those who are brought before them charged with the commission of minor offences, or who appear to be young offenders, a practice from which they are not unfrequently deterred through the difficulty, delay, and expense which now attend the putting such securities in force; now be it therefore ordained, that in every case where a recognizance for keeping the peace or for future good behaviour, and not exceeding in amount two hundred rupees as to the principal, and one hundred each as to the securities, shall have been forfeited by the principal entering into the same (and of which forfeiture his conviction before the said Court of Petty Sessions, duly entered on the records of the said court) of any offence, the perpetration (duly proved) of which by the laws of England would forfeit a security of that description, shall be sufficient evidence, the Magistrates in Petty Sessions shall have the power, and are hereby invested with full power and authority to require from the person or persons who in the character of security or securities shall have become party or parties to such recognizance, so forfeited as aforesaid, immediate payment of the sum for the due discharge

of

of which he, she, or they shall have made himself, herself, or themselves, in the event of such recognizance being forfeited, liable; and in case he, she, or they shall refuse immediately to pay the full amount of the sum for the payment of which he, she, or they shall have respectively made himself, herself, or themselves, in manner aforesaid, liable, the amount of such sum shall be levied by issuing process against his, her, or their property, by warrants under the hands and seals of two or more of the Magistrates in Petty Sessions, and which warrants the said Magistrates are hereby empowered to issue to any person they may think proper, directing him to seize and openly sell, in some public spot on this island, so much property belonging to the person refusing or omitting to pay the sum so become payable, as aforesaid, as shall be equal to defray the amount thereof, and any reasonable expense which may attend the sale of such distrained property; and if property belonging to such persons so refusing to pay, sufficient to make good the said sum, be not found, such person shall be committed to gaol, and kept to hard labour, at the discretion of the said Magistrates, for any period not exceeding two months.

How to be recovered.

A. D. 1816. REGULATION I.

A Regulation *for modifying and amending the Rules which have been passed for admitting Persons of certain Descriptions to sue in the Courts of Civil Judicature as Paupers:* Passed *by the Right Houourable the Governor in Council on the 31st January* 1816 *(corresponding with the 2d Maha, Sood, Sumbut, or Vekramajit Era,* 1872; *Salbahan,* 1737; *and the 30th of Suffer,* 1231 *Hejry).*

I. Whereas it has been deemed expedient to reduce into one Regulation the whole of the provisions which will be applicable to persons suing *in formâ pauperis,* the following rules have been enacted, to be in force from the 1st of March 1816.

Preamble.

II. Regulation X., A. D. 1802, is hereby rescinded.

III. No person shall be hereafter entitled to institute or defend any suit *in formâ pauperis* in any civil court of judicature, unless the amount or value of the thing claimed shall exceed the sum of fifty rupees.

No pauper suit to be admitted in which the value of the thing claimed shall not exceed fifty rupees.

IV. No person shall be hereafter permitted to institute a suit as a pauper, in any civil court of judicature, if the claim shall be for damages on account of loss of cast, slander, abusive language, assault, or personal injuries of any description, or if the claim shall be for the possession or recovery of deeds or papers, or for fines, forfeitures, or pecuniary penalties, on account of any breach of the Regulations.

Persons preferring claims of certain descriptions not to be admitted to sue as paupers.

V. *First.* Whenever a party may be desirous of instituting an original suit as a pauper in any Zillah or City Court, or in a Provincial Court, he shall appear in person before such court, and shall present a petition, written on the stamped paper prescribed for miscellaneous petitions, in Section XXXII., Regulation XIV. 1815 Provided, however, that if the party be a female, of a rank and description which, according to the prejudices of the country, would

Parties desiring to sue as paupers are to present a petition on stamped paper in person.

would render it improper to require her personal attendance in a court of justice, such petition may be presented by a Mokhtar, or agent, duly authorized for that purpose.

What the petition is to contain.

Second. The petition shall contain a general statement of the nature and grounds of the damage, of the value of the thing claimed, according to the provisions contained in Sections XXVII. and XXVIII., Regulation XIV. 1815, of the name of the persons intended to be sued, and a schedule of the whole real or personal property belonging to the petitioner, with the estimated value of such property.

Petitioner's examination to be taken on oath, with certain exceptions.

Third. The court in which such petition may be presented, or one of the law officers of the court, specially authorized, shall then proceed to take the examination of the petitioner, or if the petitioner be a female of the description mentioned in Clause first of this Section, the examination of her agent, with regard to the points above noticed, and shall question him particularly with respect to any real or personal property which the petitioner may have recently sold, mortgaged, transferred, or otherwise disposed of. Such examination shall be taken on oath, unless the court should, in any particular instances, judge it proper to admit a solemn declaration in lieu thereof, under the provisions now in force, or any other provisions which may be hereafter enacted.

Court to admonish the petitioner in taking his examination.

Fourth. In taking the examination of the petitioner or agent in such cases, it shall be the duty of the court to admonish him, that any wilful misrepresentation or falsehood, or the fraudulent concealment of any material fact regarding the property in the petitioner's possession, or the recent transfer of such property, will subject him to be tried for perjury, and on conviction, to the punishment which is now or may be hereafter prescribed for that crime by the Regulations. The petitioner or agent shall subscribe his examination, which shall then be authenticated by the court in the usual manner.

Courts when to reject the prayer of the petition.

Fifth. If, upon such examination, it should appear to the court that the petitioner is possessed of property sufficient to defray the expenses of the suit, or that he has recently sold, mortgaged, or otherwise transferred any property, with the view of being admitted to sue as a pauper, the court will at once refuse to admit his suit in that form, and will refer him to the general rules in force.

Court how to proceed when they may be desirous of ascertaining the amount of the petitioner's property.

Sixth. If there shall appear any grounds for suspecting that the petitioner is possessed of property, or has recently transferred any property beyond that which he may have acknowledged or stated in his petition and examination, the court may issue a notice to the adverse party, signifying that, if such party shall appear within a reasonable period, to be fixed by the court, he shall be permitted to shew cause why the plaintiff should not be allowed to sue as a pauper. The court may also summon witnesses, or institute a local inquiry, in the neighbourhood of the petitioner's residence, with the view of ascertaining whether the petitioner has recently transferred, or is possessed of, any property beyond that stated in his examination.

When the petitioner shall have been guilty of perjury he shall be committed to the Court of Circuit.

Seventh. If from the result of such inquiry, or at any subsequent period, it shall be satisfactorily established, that the petitioner, or the agent of a female petitioner, has been guilty of wilful perjury in his examination, the court will not only refuse the prayer of the petitioner (or nonsuit the plaintiff if the cause be depending), but will cause the person appearing to have been guilty

of

of perjury to be committed to the Court of Circuit, to take his trial for such offence.

A party admitted to sue as a pauper shall find two sureties for his appearance.

VI. *First.* If none of the objections stated in Clauses fifth and seventh of the preceding Section shall exist, and the petitioner shall not appear to be possessed of sufficient property to enable him to defray the probable expenses of the suit, the court is empowered to admit him to sue as a pauper, on his finding two good and sufficient sureties, both of whom shall be householders, for his appearance, whenever his attendance may be required by the court.

Pauper suits not to be referred to the Sudder Ameens.

Second. The suits of pauper plaintiffs which may be hereafter instituted in the Zillah or City Courts, shall be tried by the Judge or Register, and shall not be referred to any of the Sudder Ameens.

The courts are authorized in certain cases to direct one of the pleaders to undertake the suit.

VII. *First.* When the required sureties shall have been furnished, if the pauper shall be unable to prevail on any of the Vakeels of the court to undertake his suit, and he shall be unable to plead the cause in person, the court may require any of the authorized pleaders of the court to undertake and plead the suit, and no security or deposit shall be required from the plaintiff for the fees of such pleader.

Reason for exercising that power to be recorded.

Second. The courts are to state on the record of the trial their reasons for every exercise of the power vested in them by this section; and the order of the court in such cases shall be a sufficient warrant to the Vakeel to plead in the suit, without filing the usual vakalutnamah.

Stamp duties and other expenses to be remitted to paupers; pleadings on their part and copy of the decree to be on unstamped paper.

VIII. The stamp duty which has been substituted for the institution fee by Section XXV., Regulation XIV. 1815, shall not be required from plaintiffs who may be admitted to sue as paupers under this Regulation. The plaint, reply, or other pleadings on the part of the plaintiff, as well as applications on his part for receiving exhibits and summoning witnesses, may be written on unstamped paper. The notice to the defendant, the summons for witnesses, and other processes on the part of the plaintiff, shall be served through the Peons on the establishment of the courts, without any expense to the plaintiff; and the copy of the decree, as well as copies of orders or proceedings which he may be required to take, shall be furnished to a pauper plaintiff on unstamped paper.

All costs and expenses to which the plaintiff would have been liable had he not been admitted to sue as a pauper to be inserted in the decree.

IX. On the conclusion of the suit the court shall calculate the whole of the costs which would have been incurred by the plaintiff, on account of the several stamp duties prescribed by Regulation XIV. 1815, and other legal expenses, had he not been admitted to sue as a pauper, and shall charge the same in the decree to the party cast, or to the parties respectively, in such proportions, as may be deemed equitable.

The fees of the pauper's pleader when to be paid by the defendant.

X. *First.* If the pauper plaintiff shall gain his suit, the court will cause the defendant to make good the amount of the fees due to the pleader who may have been employed on account of the plaintiff, or such part of them as the court may decree.

If the claim be dismissed, the defendant is to pay to his own pleader such adequate compensation as the court may direct.

Second. If the claim of the plaintiff be dismissed with costs, the court is authorized and required to levy from the defendant such part only of the established fee, for his own pleader, as may appear to be an adequate com-

pensation, leaving the remainder to be recovered from any property that may subsequently be found to belong to the plaintiff.

Pauper plaintiffs under certain circumstances liable to a sentence of six months' imprisonment.

XI. *First.* If the plaintiff shall not establish his claim, and the court shall deem the suit to be unfounded, vexatious, or wilfully exaggerated, and the plaintiff shall not pay the amount of his own fees, and the fees and costs which may be awarded against him, in favour of the opposite party, the court is authorized to commit him to close custody in the civil gaol, without labour, for a period not exceeding six months.

Execution of such sentence not to be suspended on account of an appeal being preferred from the decision.

Proviso.

Second. Such order of confinement shall be carried into immediate execution, and shall not be suspended in consequence of the plaintiff's being desirous of appealing from the judgment: Provided, however, that the plaintiff shall at any time be entitled to his discharge from such confinement, on his paying into court the full amount of the costs and expenses awarded against him in the decree.

Sureties failing to produce a pauper plaintiff liable to six months' imprisonment.

Third. If the pauper plaintiff shall abscond, and his sureties shall not produce him before the court, and the order for his imprisonment cannot therefore be carried into effect, the said sureties shall be called upon to make good the full amount of the costs adjudged against the plaintiff. In the event of their refusing or failing to make good the costs, the court is authorized to commit them to close custody, without labour, in the civil jail, for a period not exceeding six months, subject to the provision contained in Clause second of this Section.

Court to realize the costs due from paupers notwithstanding their imprisonment, or the imprisonment of their sureties.

Fourth. The confinement of a pauper plaintiff, or of his sureties, under this section, shall not preclude the court from realizing the costs and expenses adjudged against a pauper plaintiff; but in all cases in which such plaintiff may fail to make good the costs and expenses to which he may be declared liable in the decree, whether those costs may be due to the defendant, or to Government, the court shall endeavour to realize the amount by the sale of any property, which may belong to the plaintiff, either at the time of the decree, or subsequently thereto.

Persons desirous of appealing as paupers to present a petition to the Superior Court.

XII. *First.* If any party to an original suit may be desirous of appealing *in formâ pauperis* from the decision passed in such suit, he shall present a petition, in the mode prescribed by Clause first, Section V. of this Regulation, to the court by which his appeal may be regularly cognizable under the Regulations.

With copy of a decree, what the petition is to contain.

Second. Such petition shall be accompanied by an authenticated copy of the decree, and shall contain a schedule of the whole real or personal property belonging to the petitioner, and the estimated value of such property, together with a statement of the specific grounds on which the petitioner may desire to present an appeal.

Court when to reject the petition.

Third. If upon a perusal of the petition and the copy of the decree the original judgment shall not appear to the court to be erroneous or unjust, or if the nature of the cause shall not appear to be of sufficient importance to merit a further investigation of appeal, the court will reject the petition, and will refuse to admit the petitioner to sue in appeal as a pauper: Provided, however, that the petitioner shall nevertheless be entitled to institute his appeal, on performing the conditions of appeal prescribed by the Regulations for persons not suing as paupers.

XIII.

In what cases the court may admit the petitioner to appeal as a pauper.

XIII. If upon the perusal of a petition presented under the preceding section, and of the copy of the decree accompanying it, the court shall be of opinion that there is reason to believe the judgment to be erroneous or unjust, or that the nature of the cause renders it deserving of a further investigation in appeal, the court is empowered to admit the appeal, subject to the rules and conditions prescribed in Sections V. and VI. of this Regulation; Sections VII., VIII., IX., X. and XI. shall also be considered applicable to persons who may be admitted to appeal *in formâ pauperis.*

Subject to what rules.

Pauper plaintiffs who may have gained their suit to be admitted to respond in appeal as paupers.

XIV. If a decision be passed in any original suit in favour of a pauper plaintiff, and the adverse party shall appeal from such decision, the principles of the rules contained in Sections VII., VIII., IX., and X., shall without any further inquiry be considered applicable to the respondent, or original pauper plaintiff, in such appealed suit, provided that the execution of the original decree shall have been suspended during the appeal.

Proviso.

Amount of stamp duty paid on appeal to be returned to the appellant in certain cases;

XV. If a decision in favour of a pauper plaintiff be reversed in appeal, the amount of the stamp duty substituted for the institution fee which may have been paid by the appellant shall be returned to him by the court, together with such portion of the fee payable to his Vakeel as may be deemed reasonable; and the amount of such stamp duty and fee, as well as all other costs and expenses which may be awarded in the decree against the respondent, shall be recovered from any property which the respondent may, at any time, be found to possess.

and recovered with other costs from the respondent's property.

Defendants or respondents wishing to plead as paupers to present a petition to the court.

XVI. *First.* If a defendant or respondent in any suit (except in the case provided for by Section XIV.) shall be desirous of being admitted to plead *in formâ pauperis*, he shall appear, either in person or by an authorized agent, before the court in which the suit may be depending, in conformity with the rules prescribed in Clause first of Section V. of this Regulation, and shall present a petition containing an exact schedule of the whole real or personal property belonging to him, and the estimated value of such property.

Court how to proceed.

Second. The court to whom such petition may be presented shall then proceed in conformity with Clauses third, fourth, fifth, sixth, and seventh, of Section V. of this Regulation.

And in what cases authorized to comply with the prayer of the petition;

Third. If after the examination and inquiries prescribed in those clauses the court shall be satisfied that the petitioner is not possessed of sufficient property to defray the probable expenses of the suit, and that he can neither plead the suit in person, nor prevail on any of the authorized pleaders of the court to undertake the defence of the suit, the court is empowered to grant to the petitioner the same advantages and facilities in the defence of the suit as are allowed to pauper plaintiffs and appellants under Sections VII., VIII., IX. and X. of this Regulation, and no security, except for personal appearance, shall be required from such defendant or respondent.

and dispense with securities.

This Regulation is not applicable to summary suits, or to suits of paupers instituted before the 1st March 1816.

XVII. It is hereby declared, that the rules contained in this Regulation are intended to apply to regular suits and appeals only, and not to summary suits or summary appeals of any description; neither are they intended to apply to pauper suits which may have been instituted, either originally or in appeal, previously to the 1st of March 1816. Such pauper suits and appeals are to be tried and determined in conformity with the rules heretofore in force.

XVIII.

Explanation that miscellaneous petitions and applications are to be written on the prescribed stamped paper.

XVIII. The courts of civil and criminal judicature, the Collectors and other public officers, are not authorized to receive from persons professing themselves to be paupers, any miscellaneous petitions or applications, on any other paper than the prescribed stamped paper: Provided, however, that the courts of criminal judicature shall be at liberty to receive petitions on unstamped paper, from prisoners who may be confined under examination or sentence in any of the criminal jails.

Proviso.

A. D. 1816. REGULATION II.

A REGULATION *for amending part of Regulation* II. 1814, *entitled* "*A* "*Regulation for establishing the Office of Tullaties, or Village Accoun-*"*tants, and defining the Duties of the said Office in the British Territories* "*under the Presidency of Bombay :*" PASSED *by the Governor in Council on the* 31*st January* 1816 *(corresponding with the* 2*d Maha, Sood, Sumbut, or Vekramajit Era,* 1872; *Salbahan,* 1737; *and the* 30*th of Suffer,* 1231 *Hejry).*

Preamble.

I. WHEREAS, in consequence of the revenue survey of the pergunnah of Broach, the duties imposed on the Tullaties have been simplified and diminished in a considerable degree, and supersede the necessity of granting remuneration to persons holding those situations, upon a scale so extensive as that established by Section XIII., Regulation II. 1814; and whereas the same advantages, in this respect, may be expected to result from the completion of the surveys of the pergunnahs dependant on the zillahs of Surat, Kaira, and Salsette, the following enactment has been passed.

Sections XII., XIII. and XIV. of Regulation II. 1814, rescinded.

II. Sections XII., XIII., and XIV. of Regulation II. 1814, are rescinded.

Tullaties' salary to be fixed by Government on certain principles.

III. On the appointment of Tullaties to the charge of villages, their salaries will be fixed on by the Governor in Council, on a consideration of the state of the several villages, and on the qualifications and characters of the persons to whom the charge of such villages may be confided.

A. D. 1816. REGULATION III.

A REGULATION *to explain and modify the existing Rules respecting the Records of Proceedings to be kept by the several Courts of Judicature :* PASSED *by the Right Honourable the Governor in Council on the* 10*th of April* 1816 *(corresponding with the* 13*th Chytur, Sood, Sumbut, or Vekramajit Era,* 1872; *Salbahan,* 1738; *and the* 11*th of Jumadyool-avul,* 1231 *Hejry).*

Preamble.

I. WHEREAS doubts have been entertained as to the construction of Regulation VI. A. D. 1802; and whereas it has been found to be inconvenient, for

for the purpose of reference, to use the form of a roll for recording the proceedings of civil courts, the following rules have been established, to have effect from the date of the promulgation of this Regulation.

Records in use anterior to 1802 to be kept.

II. *First.* It is hereby declared, that Regulation VI. 1802, is not to be understood as having superseded the use of the records required by the Regulations of 1799 and 1800 to be kept of the proceedings of the courts of civil judicature.

In the form to be prescribed by the Sudder Adawlut.

Second. The records in question shall hereafter be kept in the form and manner which may be prescribed to the several courts by the Sudder Adawlut, under the authority vested in that court by Section III., Regulation XI. 1812.

Record dispensed with.

III. *First.* The record prescribed by Section X., Regulation VI. A. D. 1802, to be written upon a roll of strong paper, is dispensed with.

Register what to contain.

Second. The register specified in Section IV. shall contain a copy of every original paper enumerated in Section X. of the same Regulation.

Book of daily proceedings by whom to be kept.

Third. The book of daily proceedings, enjoined by Section IX., shall be kept by the Sheristadar, and shall contain, in addition to all therein specified, a faithful translation into the language of the record of every deposition or exhibit which may have been filed in any other language.

A. D. 1816. REGULATION IV.

A REGULATION *for the Manufacture and Sale of Spirituous Liquors and Toddy in the several Collectorships under the Presidency of Bombay:* PASSED *by the Right Honourable the Governor in Council on the* 17*th of April* 1816 *(corresponding with the* 6*th Chytur, Vud, Sumbut or Vekramajit Era,* 1872; *Salbahan,* 1738; *and the* 18*th Jumadyool-avul,* 1231 *Hejry).*

Preamble.

I. WHEREAS it has been deemed advisable, with a view to the more effectual prevention of the unauthorized manufacture and sale of spirituous liquors distilled according to the country process, that distilleries should be established under the immediate controul of the Collectors of the Land Revenue, or other officers invested with the charge of the Abkaury Mehaul; and whereas it is necessary to provide for the collection of the established duties on the importation and sale of Batavia, Columbo, and other arrack or foreign spirits as well as toddy, the following rules have been passed, to be in force from the date of its promulgation.

Ground to be enclosed in the chief towns or cities of each collectorship, to be denominated the Sudder Distilleries of the district.

II. *First.* One or more spots of ground shall be enclosed in the chief towns or cities of each collectorship, either by a wall or other fence, according as the Right Honourable the Governor in Council may direct, to be denominated the Sudder Distilleries of the district.

Distance within which no stills may be constructed.

Second. No stills shall be constructed, kept, or worked, within four coss of any of the distilleries above described, or of the boundary of the city or town in or near which they may be established, except within the circumference of the said distilleries or enclosures; and no person shall be permitted

mitted to introduce, within those limits, spirits manufactured at any other place.

The rate of duty to be levied on spirits manufactured at the distilleries.

Third. The rate of duty per Surat maund, weighing fourteen hundred and eighty Surat rupees, to be levied on the spirits manufactured in the Sudder Distilleries, shall be annually fixed by the Collectors with the approbation of the Right Honourable the Governor in Council.

By whom the duty shall be paid.

Fourth. The duty that may be established shall be paid by the vender or other person by whom the spirits may be removed from the distillery.

No liquor to be removed from the distilleries but under a pass from the Collectors.

Fifth. No liquor shall be allowed to be removed from the said distilleries but under a pass from the Collectors.

Designation of the person under whom the Sudder Distilleries shall be placed, and what accounts he is to keep.

III. Each Sudder Distillery shall be placed under the immediate charge of a native superintendent, to be denominated Darogah of the Sudder Distillery, who shall keep an account of the quantity and strength of all spirits manufactured in the distillery of which he is Darogah, and shall be responsible to the Collectors that no liquor is removed from the said distillery without a regular pass.

The Collectors to adjust with the venders the quantity of spirits which they may respectively receive each day from the distilleries, and the duty on the quantity so fixed.

IV. On granting licenses agreeably to Form No. 1, annexed to this Regulation, for the sale of spirits manufactured in the Sudder Distilleries, the Collectors shall adjust with the venders the quantity which they shall respectively receive each day from the distilleries, and the duty on the quantity so fixed, according to the rate previously approved of by the Governor in Council, under Clause third, Section II. of the present Regulation, and monthly passed, shall be issued to the venders accordingly.

What kind of pass to be granted to each licensed vender every month.

V. A pass, prepared agreeably to the Form No. 2, annexed to this Regulation, shall be granted every month to each licensed vender, specifying the name of the vender, the number and situation of his shops, and the quantity of spirits to be passed daily; and the Darogahs of the distilleries shall certify daily, on the back of each pass, the quantity of spirits issued from the distilleries, and likewise the hour at which the liquor may have been removed.

Extra passes to be granted for any additional quantity of spirits obtained from a Sudder Distillery.

VI. Persons licensed to retail spirits, being the produce of the Sudder Distilleries, who may be desirous of obtaining from such distilleries a quantity of spirits exceeding the number of maunds specified in their monthly passes, shall, upon the payment of the established rate of duty on such additional quantity, be furnished by the Collectors with an extra pass, to be prepared agreeably to the Form No. 3, annexed to this Regulation.

No spirits to be removed from any Sudder Distillery, the strength of which may exceed twenty-five per cent. below London proof.

VII. It is to be clearly understood, that no spirits shall be removed from any Sudder Distillery, the strength of which may exceed twenty-five per cent. below London proof. If the process observed in the manufacture shall produce spirits exceeding that standard, they shall be reduced to that strength previously to their removal from the distillery.

Mowra to be admitted into the cities and towns where Sudder Distilleries are established, and lodged in warehouses.

VIII. Raw mowra shall be admitted into the towns and cities where Sudder Distilleries may be established, under a pass from the Collectors, and lodged in warehouses, one key of which is to be kept by the Collectors and another by the owners of the mowra, and none of it shall be removed without a pass from the Collectors.

IX.

IX. All Batavia, Columbo, and other arrack or foreign spirits introduced into each collectorship, shall pay such import duty per gallon as may be annually determined on by the Collectors with the approbation of the Governor in Council. Such spirits on re-exportation shall not be subject to any additional duty.

Batavia, Columbo, and other arrack or foreign spirits, to pay an import duty, but nothing to be charged on their being re-exported.

X. Toddy imported into the chief cities or towns of each district, or sold within four coss thereof, whether in a fermented or unfermented state, shall pay such tax to Government as may be determined on by the Collectors, under the sanction of the Governor in Council.

Toddy imported into the chief towns or cities of each district, or sold within four coss thereof, to pay a tax to Government.

XI. All persons who may be discovered in any attempts to evade the rules prescribed by this Regulation, either by the establishment of stills within the prohibited limits, by the introduction of spirits manufactured at other places, or by attempts to convey spirits from the distilleries without a proper pass, or by importing or selling mowra or arrack without permission, shall on conviction be subject to the penalties herein-after prescribed by Section XX. of this Regulation.

Penalties on persons who may be discovered in any attempts to evade the rates prescribed by this Regulation.

XII. A register of all passes which may be issued shall be kept by the Collectors; and the passes shall be returned by the venders, at the expiration of the period for which they have been granted, and when they are no longer in force.

A register of passes to be kept by the Collector, and venders to return their passes when no longer in force.

XIII. It shall be the duty of Collectors to issue such instructions as they may deem best calculated for the internal controul of the distilleries; especially with the view of preventing the admixture of noxious drugs with the spirits, of encouraging the introduction of an improved method of distillation and the use of the best materials, and of preventing the illicit removal of spirits.

Collectors to issue instructions for the internal controul of the distilleries.

XIV. *First.* The following rules shall be observed with respect to the manufacture and sale of spirituous liquors at places situated more than four coss from the Sudder Distilleries, or distilleries established on that principle in the interior of the different zillahs.

Rules to be observed respecting the manufacture and sale of spirituous liquors at places situated more than four coss from the Sudder Distilleries.

Second. The rate of duty shall be annually fixed by the Collectors, with the sanction of Government, in the several pergunnahs or other known divisions of the different districts.

The rate of duty how to be fixed, and when.

Third. It shall be the duty of Collectors to cause the highest rates of duty to be fixed, which can be introduced without giving rise to the illicit manufacture and sale of spirits.

The Collectors to cause the highest rates of duty to be fixed.

Fourth. Persons proposing to take out licenses under this Regulation shall uniformly specify, in their applications for such licenses, whether it is intended that the manufacture and sale should be conducted at one and the same place, or at different places, and licenses shall be granted in conformity to the Forms No. 4 and 5, annexed to this Regulation, accordingly.

Applications for licenses shall specify whether the manufacture and sale are to be conducted at one and the same place, or at different places.

Fifth. A caboolyet shall be executed by persons obtaining licenses for the manufacture and sale of spirituous liquors under this section, in strict conformity to the tenour of such licenses.

A caboolyet to be executed by persons obtaining licenses;

Sixth. The rate of duty having been fixed under Clause second, and the licenses and caboolyets having been interchanged between the Collectors and the distillers, the duty shall be levied at the expiration of every ten or twenty

and the duty to be levied every ten or twenty days, or at the close of each month.

days,

days, or at the close of each month, as may appear to the Collector most convenient.

Separate licenses to be taken out by the distiller, when he may be desirous of keeping or working more than one still, and to pay the increased duty accordingly.

Seventh. Any license which may be issued under these rules shall only be considered to authorize the establishment of one still. If the distiller shall be desirous of keeping and working more than one still, he shall take out a separate license or licenses conformably to the number of stills, and shall pay increased duty accordingly.

The Collectors to prevent the introduction of spirits manufactured under this section into any place situated within four coss of the Sudder Distilleries.

Eighth. It will be the duty of the Collectors to adopt the necessary means to prevent the introduction of spirits manufactured under this section into any place situated within four coss of the Sudder Distilleries, or of the city or town at or near which they may be established, or of any distillery established on that principle in the interior of any of the districts.

The Collectors to appoint officers for the collection of the duties on spirituous liquors in places situated beyond the limits to which the operation of the Sudder Distilleries is to extend, who are to be denominated Abkarry Darogahs.

XV. *First.* For the more convenient collection of the duties on spirituous liquors in places situated beyond the limits to which the operation of the Sudder Distilleries is to extend, officers shall be appointed by the Collectors, to be denominated Abkarry Darogahs, for the collection of the said duties in all such places.

The local limits of the Abkarry Darogahs to be settled by the Collectors, who will recommend the allowances which they should receive.

Second. The local limits of the authority of the Abkarry Darogahs, respectively, shall be settled by the Collectors, who will recommend to Government what allowances those officers should receive.

The office of Abkarry Darogah may be united with that of Tehsildar, or may be vested in separate persons, as the Collectors may deem advisable.

Third. The office of Abkarry Darogah may either be united with that of Tehsildar, in districts in which the latter office exists, or may be vested in separate persons, according as the Collectors may deem most advisable.

The Abkarry Darogah competent to apprehend and send to the Collectors any persons having an unlicensed still, or engaged in the illicit sale of spirituous liquors; and the Collectors how to proceed against illicit dealers.

Fourth. It shall be competent for persons holding the office of Abkarry Darogah to apprehend and send to the Collectors any individual having an unlicensed still in his possession, or engaged in the illicit sale of spirituous liquors or toddy.

Fifth. In the cases mentioned in the preceding clause, the Collectors shall regularly proceed in the manner hereafter prescribed in Section XX. of the present Regulation, with regard to other illicit dealers.

The Collectors may let the duties leviable on the manufacture and sale of spirituous liquors in any pergunnah or known division of a district to farm, for a period not exceeding one year.

XVI. *First.* In cases in which it may be deemed advisable, the Collectors are hereby authorized to let the duties leviable on the manufacture and sale of spirituous liquors or toddy, in any pergunnah or other known division of a district, to farm for a period not exceeding one year.

In cases in which it may be judged advisable, the Collectors may issue an advertisement, inviting proposals for the farm of the duties leviable on the manufacture and sale of spirituous liquors, and the highest offers to be accepted.

Second. In cases in which an arrangement of this nature may be judged advisable by the Collectors, an advertisement shall be issued, signifying that proposals will be received for a certain time for the farm of the duties leviable on the manufacture and sale of spirituous liquors, and the highest offers, provided they be accompanied with good and substantial security, shall be accepted.

The farmer of the duties to make his own arrangements with the manufacturers and venders within the limits of his farm, and no other persons authorized to manufacture and sell spirits within those limits.

Third. Whenever the duties on spirits or toddy may be let to farm in any pergunnah or other known division of a district under the foregoing clauses, it shall be competent to the farmer to make his own arrangements with the manufacturers and venders within the limits of his farm; and no persons, excepting those who may be regularly authorized by the farmer, shall manufacture or sell spirits within those limits, on pain of incurring the penalties established by Section XVIII. of the present Regulation.

Fourth.

Fourth. Nothing contained, however, in the preceding clauses of this section shall be construed to authorize the Collectors to let the duties on spirits to farm at any place included within the limits prescribed for the Sudder Distilleries.

Restriction.

Fifth. Collectors are required to be careful that no arrangement of this sort be adopted, except in remote pergunnahs or other places, where the manufacture and sale are not liable to interfere with the revenue derived from stills specially licensed.

No arrangement of the above description to be adopted except in remote pergunnahs.

XVII. A general prohibition being established by the present Regulation against the unlicensed manufacture and sale of spirituous liquors and toddy, any person who may be convicted (in the manner herein-after described) of such illicit manufacture or sale shall be liable to the payment of a fine not exceeding five hundred rupees, or in the event of the fine not being duly discharged, to imprisonment in the Dewanny jail of the district in which such conviction may take place, for a period not exeeeding six months.

Persons who may be convicted of the illicit manufacture and sale of spirituous liquors and toddy liable to fine or imprisonment.

XVIII. *First.* All investigations which it may be necessary to institute respecting the illicit manufacture or sale of spirituous liquors and toddy shall be conducted by the Collectors of the Land Revenue, or other public officers intrusted with the charge of the Abkarry Mehaul.

Investigations respecting the illicit manufacture or sale of spirituous liquors and toddy to be conducted by the Collectors of the Land Revenue.

Second. Whenever any charge may be preferred or information lodged against any person for the infringement of the prohibition noticed in the preceding section, or whenever any reasonable ground of suspicion shall incidentally appear against any such person, from proceedings which may be holden by the Collectors in any other case, it shall be competent for the Collectors or other officers intrusted with the charge of the Abkarry Mehaul to cause the person charged with, or suspected of the said offence, to be apprehended, in order that a regular inquiry may be made into the merits of the case.

Collectors how to proceed against persons infringing the prohibition noticed in the preceding section.

Third. Investigations under this section shall be commenced immediately on the arrival of the party accused or suspected at the cutcherry of the Collectors, and shall be prosecuted with the least possible delay.

Investigations to be commenced on the arrival of the parties, and prosecuted with the least possible delay.

Fourth. Any person convicted before the Collector of the offence of importing mowra or arrack, or manufacturing or selling any of the articles specified in clause first of this section, shall be adjudged by the Collector to pay such fine as, on due consideration of the circumstances of the case, may be deemed proper, not exceeding the sum specified in Section XVII., or in default of payment to be confined for a period not exceeding the term specified in the same rule.

How fines shall be levied from persons convicted before a Collector.

Fifth. Whenever any person may be adjudged to pay a fine or to be imprisoned for the illicit sale and manufacture of spirituous liquors, under these rules, he shall be immediately sent with a certificate to the Judge of the city or zillah, stating the purport of the order passed against the person in question, and the Judge shall on those grounds give the necessary directions for the execution of the orders accordingly.

He shall then be sent to the Judge of the city or zillah, who will give the necessary directions for the execution of the orders.

Sixth. Persons who, after the investigation prescribed by these rules, shall not have been convicted of the offence with which they stood charged or suspected, shall be immediately released, and the expense to which they have been actually subject, on account of the inquiry, shall be paid to them by the Collector on the part of Government. Should it further appear, on

Rules to be observed in regard to persons who may not have been convicted of the charges imputed to them.

investigation, that the inquiry originated in malice, or in motives clearly vexatious and unwarranted on the side of the informant, it shall be competent for the Collector to order such informant to pay to the party aggrieved such moderate fine, not exceeding, however, in any case, twenty rupees, as may appear reasonable, or to be confined for a period not exceeding fifteen days. Orders passed under this rule shall be enforced in the same manner as fines imposed for the illicit manufacture and vend of prohibited articles, under clause fifth of this section.

How persons may proceed to complain who deem themselves aggrieved by the investigation or judgment of the collectors.

Seventh. Persons deeming themselves aggrieved by any investigation instituted under this Regulation, or by the judgment passed by the Collector, or in any other respect, shall be at liberty to prefer their complaint to Government, either through the medium of the Collectors themselves or by means of Vakeels: and Government, after calling for such information as they may require from the Collectors, shall confirm or modify the judgment given, or pass such other orders on the subject as may appear to them most conformable to the principles of substantial justice.

Persons through whose means the illicit manufacture and sale may be detected, shall be entitled to a moiety of the fine.

Eighth. A moiety of any fines which may be levied under the provisions contained in this section shall be paid to the person or persons through whose means the illicit manufacture or sale may have been detected.

In cases in which a fine cannot be levied, the informant will be paid a reward of ten rupees.

Ninth. In cases in which it may be necessary to imprison the offender, and in which a fine cannot or may not be levied from him, a reward of ten rupees shall be paid on the part of Government, to the informant or informants, in lieu of his or their share of the above-mentioned fine.

Collectors deemed competent to issue search-warrants.

XIX. With the view of restraining the illicit manufacture and sale of spirituous liquors, the Collectors or other persons invested for the time being with the charge of the Abkarry Mehaul, shall be deemed competent, in the cases herein-after described, to issue search-warrants for the discovery of unlicensed stills, or the produce of such stills.

In what cases search-warrants are to be issued.

XX. *First.* Search-warrants, of the description of those mentioned in the preceding section, shall not be issued, unless the Collectors shall have strong grounds to believe, either from charges specifically preferred or from their own personal knowledge, or from information incidentally obtained from the proceedings holden in any other case, that spirituous liquors are illicitly manufactured, sold, or deposited on the premises proposed to be searched.

Search warrants to be executed in the day-time.

Second. Search-warrants shall only be executed in the day-time, that is, between sun-rise and sun-set, and if possible in the presence of two or more respectable inhabitants of the place in which the house or place proposed to be searched may be situated.

To whom the search-warrants are to be addressed.

Third. All search-warrants which may be issued under this section shall be addressed to the Abkarry Darogah or other officer on the fixed establishment of the Collector.

The Magistrates and other officers of police to support the officers of the collectors.

Fourth. It shall be the duty of the Magistrates, Darogahs of Police, and other officers of that department, to support the officers of the Collectors in the discharge of the duty which may be delegated to them under this section:

The officers of the Collectors prohibited from entering the zenana or apartments of the women.

Provided, however, that nothing contained in these rules shall be construed to authorize the officers of the Collectors to enter the zenana or apartments of the women, in houses belonging to persons of respectability and credit, that is, of all those classes whose women do not ordinarily appear in public.

Fifth.

Fifth. Persons who may be detected, by the means above described, in the illicit manufacture of spirits, or in selling or concealing spirits so manufactured, shall be liable to the penalties established by Section XVIII. of the present Regulation; and on judgment being formally passed by the Collectors, it shall be enforced in the mode prescribed in clause fifth of that section.

Penalties on persons who may be detected in the manufacture of, or in selling or concealing spirits.

XXI. *First.* No spirituous liquors shall be manufactured or sold within the limits of any military station or cantonment but under licenses from the Collectors; nor shall any such licenses be granted by the Collectors but with the knowledge and concurrence of the commanding officers.

Rules respecting the sale of spirits in cantonments.

Second. Whenever licenses may be granted under the preceding clause for the manufacture or sale of spirituous liquors in any of the cantonments, the distillers and venders shall be considered to be precisely on the same footing, with respect to the duty payable by them, and all other questions connected with the manufacture and sale, as distillers and venders established in other places.

The distillers and venders in cantonments to be precisely on the same footing as the distillers and venders at other places.

Third. Should the commanding officer of any military station or cantonment be of opinion that any practical inconvenience is experienced from any stills or shops which may have been established in the said station or cantonment, he shall communicate his sentiments on the subject to the Collector, who shall immediately order such stills or shops to be suppressed.

How a still or shop in a cantonment may be suppressed.

Fourth. Should a commanding officer of a cantonment or military station be of opinion that any inconvenience is experienced from any stills or shops established in the vicinity of the said cantonment, he shall state his sentiments to the Collector, who shall either order the still or shop in question to be suppressed, or refer the case to the Governor in Council, who will order the shop to be suppressed, or otherwise to be removed to a greater distance from the cantonment, as may appear on consideration of all the circumstances of the case to be proper.

How a still or shop in the vicinity of a cantonment may be suppressed.

Fifth. The Collectors being authorized, under Sections XVIII. and XIX. of the present Regulation, to apprehend persons charged with the illicit sale and manufacture of spirituous liquors, and to issue search-warrants with a view to the prevention of illicit manufacture and vend, it shall be the duty of the commanding officers of military stations or cantonments to be careful that no obstruction be given by the people subject to their command to the officers of the Collectors in the discharge of the said duties: Provided, however, that the Collectors shall apply to the commanding officers for their assistance, in all cases in which no public inconvenience is likely to arise from that measure, and shall uniformly report to them the result of the search.

Commanding officers of cantonments to be careful that no obstructions be given by the people subject to their command to the officers of the Collectors.

Collectors may apply for assistance to the commanding officers.

XXII. Persons desirous of taking out licenses for the manufacture or sale of spirituous liquors and toddy shall give the security of two responsible persons for the due performance of their engagements: Provided, however, that if any such manufacturer or vender shall make a deposit in cash equal to the amount of the duty payable by him for one month, such deposit shall be received in lieu of the security to be otherwise required.

Two responsible securities to be given by manufacturers or venders of spirits; or a deposit made in lieu of the securities.

XXIII. Licenses for the manufacture and sale of the articles specified in the preceding section shall be issued for one year only, or supposing them not

For what period the licenses to be issued.

not to be taken out at the commencement of the year, for the remainder of the official year; so that the whole of the licenses in the different districts may cease and determine together.

In what case licenses may be cancelled.

XXIV. Licenses taken out for the manufacture and sale of spirituous liquors or toddy shall be liable to be cancelled, at the discretion of the Collector or other officer invested with the charge of the Abkarry Mehaul, in case such manufacturer or distiller shall in any case fail to pay the duty for which he had been engaged during a period of fifteen days: Provided, however, that if the Collector or other officer shall have grounds to believe that such failure has arisen from unforeseen circumstances, and not in any design to defraud the public revenue, it shall be competent for him to postpone the annulment of the license during a period of fifteen days more.

Postponing the annulment of licenses.

Licensed manufacturers and venders at liberty to surrender their licenses, on giving one month's previous notice to the Collector and paying a certain amount.

XXV. Persons licensed to manufacture or vend spirituous liquors, intoxicating drugs and toddy, shall be at liberty to surrender their licenses, on giving one month's previous notice to the Collector, and paying a sum equal to the tax for that period, over and above the amount payable by them in the ordinary course, and under the engagements contracted by them with the Collector.

Proprietors of land and others how to be prosecuted for conniving at the establishment of shops for the illicit manufacture and vend of spirituous liquors.

XXVI. There being reason to believe that proprietors, farmers, and managers of land, both paying revenue to Government and held free of assessment, frequently authorize or connive at the establishment of shops for the illicit manufacture and vend of spirituous liquors, it is hereby enacted, with a view to the suppression of all such illegal and unwarrantable practices, that on all occasions of such nature it shall be the duty of the Collector of the Abkarry duties to institute suits, with the sanction of Government but not otherwise, against persons so offending; and if it shall be proved, to the satisfaction of the court before which any such suit may be instituted, that any proprietor, farmer, tehsildar, gomashta, or other manager of land, shall have authorized or connived at the establishment of a shop for the manufacture or sale of spirituous liquors or toddy, whether in a dry state or infused in water, or other fluid, the said court shall adjudge the offender to pay such a fine to Government as it may deem proportioned to the offence, due consideration being had to the situation in life, and to the pecuniary circumstances of the said offender.

The abkarry revenue to be intrusted to the Collectors of the land Revenue, who shall be entitled to a commission.

Power reserved to the Governor in Council to appoint any other persons to take charge of the Abkarry collections.

XXVII. The Collectors of the land Revenue shall, in ordinary cases, be intrusted with the management of the Abkarry revenue, and shall be intitled to a commission of five per cent. on the net amount realized by them. The Governor in Council, however, reserves to himself the power of nominating any other public officer, or deputing specially any other covenanted servant of the Honourable Company to take charge of the Abkarry collections in any district in which that measure may appear to him to be necessary; and officers who may be so nominated or deputed shall be entitled to exercise all the powers, and to enjoy the emoluments granted to Collectors of the land Revenue by this Regulation.

In what cases the Magistrates are to take cognizance of offences

XXVIII. Under the foregoing provisions, the powers hitherto vested in the zillah and city Magistrates to suppress shops established for the sale of spirituous

spirituous liquors are rescinded. It is, however, of course to be understood, that the Magistrates will be still competent to take cognizance of any disorderly conduct, breach of the peace, or other public crime or misdemeanor committed by any of the persons to whom this Regulation refers. In all cases of that nature, the Magistrates are to be guided by the general rules which have been or may be established for the apprehension and punishment of public offenders.

committed by persons to whom the presen Regulation refers.

No. 1.

Form of Licence to be granted to Venders established at Places situated within the Limits prescribed for Sudder Distilleries.

Licence No. ....., for the Sale of Spirits at ..... during the year ..... A. D.

I, A. B., Collector of ....., do hereby, under the following conditions, authorize C. D. to open a shop for the retail of spirits at .....

1st. All spirits sold at the said shop shall be manufactured within the Sudder Distilleries at .....

2d. The said C. D. shall pay to Government a daily tax of ....., and shall be entitled to pass from the Sudder Distillery ..... maunds of spirits per diem during the year ..... A. D.

3d. The said C. D. shall be entitled to pass from the Sudder Distillery such further quantities of spirits as he may require for consumption in his shop, upon payment of a duty of ..... per maund.

4th. A regular pass shall be granted by the Collector, on the first day of every month, to the said C. D., to enable him to pass the prescribed quantity of spirits from the Distillery.

5th. Extra passes shall be granted to C. D. on application, the duty being previously paid.

6th. Any attempts to vend spirits manufactured at any other place than the Sudder Distillery above described, or to remove spirits from the Sudder Distillery without a pass or without payment of the established duty, shall subject the said C. D. to the forfeiture of this license and to the penalties prescribed by Regulation ..... to be inflicted on unlicensed venders.

Registered, given under my hand and seal, this ..... day of ..... 18....

No ..... of .....

A. B., Collector.

No. 2.

NAHAN POORA *Shop.* } . . NOWROZJEE BYRAMJEE.

Pass ..... maunds of spirits per diem, from 1st to 31st of ..... 18...

A. B., Collector.

Shop, No. ..... Pass No. .....

(L.S.)

To be signed by the head officer of the Abkarry Mehaul. On the back of this pass the Darogah of the Sudder Distillery shall each day attest the issue of thequantity of spirits specified, and the hour at which it is removed.

No. 3.

EXTRA PASS. No. .....

NAHAN POORA } NOWROZJEE BYRAMJEE.
Shop. }

Received Surat Rupees ..... No. .....

Pass ..... maunds of spirits this day the ..... of ..... 18...

A. B., Collector.

(L.S.)

To be signed or sealed by the head officer of the Abkarry Department.

No. 4.

FORM *of License to be granted to Persons authorized to manufacture and sell Spirits, at one and the same Place, beyond the Boundaries prescribed for the Sudder Distilleries.*

License No. .....for the manufacture and sale of Spirits at ..... during the year ..... A. D.

Whereas, by the authority of the Governor in Council of Bombay, I, A. B., Collector of....., authorize C. D. to work a still for the manufacture of spirituous liquors at ....., pergunnah ....., during the year ....., A. D., it is required of the said C. D., as a condition of this license remaining in force, that he duly and faithfully perform and abide by the following articles :—

1st. That he pay to Government a daily tax of..... Surat rupees.

2d. That he use only one still, and that such still shall not contain more than one hundred and ninety-two seers, of thirty-seven Surat rupees weight each.

3d. That he confine the vend of the produce of his still to one shop.

4th. That he shall not allow any quantity of liquor exceeding one seer (or quart) to be removed from his shop on any pretence whatever.

5th. That he shall not harbour robbers, thieves, or riotous persons; but, on the contrary, give information to the nearest Magistrate or police officer of any suspected persons who may resort to his shop.

6th. That he shall not receive any goods, or wearing apparel or property, in barter for liquor.

7th. That he shall not open his shop before sunrise, nor keep it open after sunset, and that he shall not harbour any persons in it during the night.

8th. That he shall have constantly fixed up, on the outer door of his shop, a sign or board, bearing an inscription in the current language of the country to the following effect: "*Licensed Vender of Spirits.*"

Upon any breach of the above conditions this license shall be held to be forfeited.

All officers of Government are hereby prohibited from imposing or exacting any tax or cess, under any pretence whatever, on the said C. D., on account of the said still, during the aforesaid period, beyond the tax required to be levied from him by the Regulations; and they are also prohibited from molesting or interrupting him in the prosecution of his profes-

sion

sion while he conforms to the above special provisions and to all other Regulations that relate to him.

Given under my hand and seal, this ..... day of ....., 18...

Registered

No. ..... of ..... A. B. Collector.

No. 5.

Form of License to be granted to Persons authorized to manufacture Spirits at one Place and to retail at another, both Places being situated beyond the Boundaries prescribed for the Sudder Distilleries.

License No. ..... for the manufacture of Spirits at ..... during the Year ....., A. D., and for the Retail at ..... for the same Period.

Whereas, by the authority of the Governor in Council of Bombay, I, A. B., Collector of ....., authorize C. D. to work a still for the manufacture of spirituous liquors at ....., pergunnah ....., and to establish a shop for retailing the produce thereof at ....., for the year ....., A. D. It is required of the said C. D., as a condition of his license remaining in force, that he duly and faithfully perform and abide by the following articles:

1st. That he pay to Government a daily tax of ..... Surat rupees.

2d. That he use only one still, to be worked at ....., and that such still shall not contain more than one hundred and ninety-two seers, of thirty-seven Surat rupees weight each.

3d. That he confine the vend of the produce of his still to one shop in the town or village of ....., the particular situation of which will be prescribed to him; and that he shall not permit any spirits which may be manufactured by him to be sold or disposed of at any other place, without an express license for that purpose.

4th. That he shall not allow any quantity of liquor exceeding one seer (or quart) to be removed from his shop under any pretence whatever.

5th. That he shall not harbour robbers, thieves, or riotous persons; but, on the contrary, give information to the nearest Magistrate or police officer of any suspected persons who may resort to his shop.

6th. That he shall not receive any goods, or wearing apparel or property, in barter for liquor.

7th. That he shall not open his shop before sunrise nor keep it open after sunset, and that he shall not harbour any persons in it during the night.

8th. That he shall have constantly fixed up, on the outer door of his shop, a sign or board, bearing an inscription in the current language of the country to the following effect: "*Licensed Vender of Spirits.*"

Upon any breach of the above conditions this licence shall be held to be forfeited.

All officers of Government are hereby prohibited from imposing or exacting any tax or cess, under any pretence whatever, on the said C. D., on account of the said still, during the aforesaid period, beyond the tax required to be levied from him by the Regulations; and they are also prohibited from molesting or interrupting him in the prosecution of his profession while he conforms

conforms to the above special provisions and to all other Regulations that relate to him.

Given under my hand and seal this ..... day of ..... 18...

Registered

No. ..... of ..... A. B., Collector.

No. 6.

Form of License to be granted to Persons authorized to vend Toddy.

License No. ..... for the sale of Toddy at ....., during the Year ....., A. D.

Whereas, by the authority of the Governor in Council of Bombay, I, A. B., Collector of ....., authorize C. D. to open a shop for the sale of toddy in the city (town or village) of ....., in ....., for the year ....., A. D. It is required of him, as a condition of this license remaining in force, that he duly and faithfully perform and abide by the following articles:—

1st. That he pay to Government a daily tax of ..... Surat rupees.

2d. That he confine his sale of toddy to the shop for which his license is granted, and on no account to sell any toddy without the limits of the above city (town or village), or establish a second shop within such limits without taking out another license for the same.

3d. That he prevent gaming and disorder within his shop.

4th. That he do not harbour thieves or riotous persons, but, on the contrary, give information to the nearest Magistrate or police officer of any suspected persons who may resort to his shop.

5th. That he do not receive any goods, or wearing apparel or other property, in barter for toddy.

6th. That he do not open his shop before sunrise, nor keep it open after sunset, and that he do not harbour any persons in it during the night.

7th. That he will have constantly fixed up, on the outer door of his shop, a sign or board, bearing an inscription to the following effect, in the current language of the country: "*Licensed Vender of Toddy.*"

Upon any breach of the above conditions, this license shall be considered forfeited.

All officers of Government are hereby prohibited from imposing or exacting any tax or cess, under any pretence whatever, on the said C. D., on account of the said shop, during the aforesaid period, beyond the tax required to be levied by the Regulations; and they are also prohibited from molesting or interrupting him in the prosecution of his profession while he conforms to the above special provisions, and to all other Regulations that relate to him.

Given under my hand and seal, this ..... day of ....., 18...

Registered

No. ..... of ..... A. B., Collector.

REGULA-

A. D. 1816. REGULATION V.

A REGULATION *for preventing the Exportation by Sea, of Saltpetre, from any of the Ports subject to the Presidency of Bombay, on Vessels not being the Property of British Subjects; and for prohibiting the Importation of that Article from the Interior into any of the foreign Settlements, situated within the Limits of the said Presidency:* PASSED *by the Right Honourable the Governor in Council on the 6th June* 1816 *(corresponding with the* 11*th of Jest, Sood, Sumbut, or Vekramajit Era,* 1782*; Salbahan,* 1738*; and the 9th of Rujub,* 1231 *of the Hejry).*

I. WHEREAS it has been deemed expedient, with a view to the promotion of the commercial intercourse between India and Great Britain, and to the general interests of the British nation, to prohibit the exportation of saltpetre from the parts subject to the presidency of Bombay, otherwise than on vessels belonging to British subjects, and likewise to prohibit the importation of the said article into any of the ports, settlements, factories, or possessions, subject to the dominion of any foreign European state, and situated within the limits of the territories of the said presidency, the following rules have been enacted, to be in force throughout the territories immediately subject to the presidency of Bombay from the date of the promulgation of this Regulation. Preamble.

II. The exportation by sea of saltpetre from any of the ports subject to the presidency of Bombay, except on vessels belonging to British subjects, is hereby prohibited. Saltpetre not to be exported on any other than vessels belonging to British subjects.

III. The importation of saltpetre from the interior into any of the settlements, ports, factories, or possessions subject to the dominion of any foreign European state, and situated within the limits of the territories dependent on the presidency of Bombay, except in the cases provided for in Section VIII. of this Regulation, is hereby strictly prohibited. The importation of it from the interior into any foreign settlements prohibited. Exception.

IV. All saltpetre attempted to be exported by sea from any of the ports subject to the presidency of Bombay, otherwise than on vessels belonging to British subjects, shall be liable to seizure and confiscation; and all saltpetre attempted to be imported into any of the foreign settlements referred to in the above section, shall be liable to seizure and confiscation, together with all boats, carriages, and cattle on which it may be laden. On breach of the foregoing rules, the saltpetre liable to seizure and confiscation.

V. The officers of Customs are hereby required to use their utmost endeavours to enforce the above prohibition; for which purpose they are hereby authorized and enjoined to detain all saltpetre which they may discover in the act of being shipped on board any foreign vessel lying in any of the ports subject to the presidency of Bombay, or of being taken within the limits of the said foreign settlements, in opposition to the provisions of this Regulation. It shall be the duty of the officers of the Police, on due application being made to them for that purpose, to give every requisite aid and support to the officers in the department of Customs in carrying this provision into effect. Duty of the Custom officers to enforce the prohibition.

VI. Saltpetre detained under the rule contained in the above section shall, within twenty-four hours of its seizure, be delivered to the nearest Collector of Government customs. Saltpetre where to be delivered on seizure.

Regulation VI. 1814 applicable to saltpetre under seizure.

VII. The rules contained in Regulation VI. 1814, shall be applicable to all saltpetre detained on the ground of its being liable to confiscation under the provisions of this Regulation.

What quantity allowed to be taken by individuals residing within foreign settlements.

VIII. Individuals residing within the limits of any foreign settlements shall be allowed to take within the same, such quantity, not exceeding one maund, as the Custom-master shall be satisfied is necessary for their private consumption or for retail sale. In all such cases, application shall be made to the said Collector of Government customs, who will, at his discretion, grant a pass, specifying the name of the person in whose favour it is granted, and the quantity of saltpetre to be taken, and certifying that the same is for private use or retail sale. No pass so granted shall be in force for more than twelve hours.

A. D. 1816. REGULATION VI.

A REGULATION *for defining the Date from which the Thakore of Bhownaghur, as a Landholder within the Honourable Company's Pergunnah of Gogo, Dhundooka, and Ranpoor, shall be amenable to the Jurisdiction of the Courts established for the Administration of Justice:* PASSED *by the Right Honourable the Governor in Council on the* 17*th of July* 1816 *(corresponding with the* 8*th of Assad, Vud, Sumbut, or Vekramajit Era,* 1872; *Salbahan,* 1738; *and* 21*st of Shaban,* 1231 *Hejry).*

Preamble.

I. BY Clause II., Section VI., Regulation III. of 1814, a period of sixty years is fixed as the utmost limit for the cognizance of claims to lands by the established courts of justice. The Thakore of Bhownaghur, however, having, from the laxity of power on the part of the former rulers of the country, for years exercised acts of sovereignty within the pergunnah of Gogo, and the talooks of Bolaud and Palnam, the districts of Runpoor and Dhundooka, and even since their cession to the Honourable Company, and it being considered, under such circumstances, to be impolitic and unjust to revive and scrutinize into those acts of supremacy, which were done under a toleration of the assumption of such powers, antecedent to the cession under the treaty of Bassein, the following enactment has been passed.

Date from which certain provisions of Regulation III. 1814 is to have operation, in respect to the Thakore of Bhownaghur.

II. The provisions contained in Clause II., Section VI., Regulation III. 1814, shall not have operation, in respect to the Thakore of Bhownagur, for any period beyond the 31st of December 1802, the date of the treaty of Bassein.

Exception.

III. Cases of mortgage or conditional cession of lands for a limited period, or, generally, wherein the occupant shall not have acquired possession under title conveying a permanent right of property, are excepted from the limitation prescribed in the preceding clause, and are to be taken cognizance of according to the established Regulations.

Date from which the Thakore is amenable to the courts of justice.

IV. The Thakore is amenable to the courts of justice, from the date of the cession, for all claims for the recovery of lands and other immoveable property;

property; and generally, in all other cases, from the 20th of July last, when the Thakore was declared to be, as a proprietor of lands within the territories of the Honourable Company, subject to the jurisdiction of their courts of justice.

A.D. 1816. REGULATION VII.

A REGULATION *for altering and prescribing the Date on which the Provisions of Regulation XIV.* 1815, *entitled "A Regulation for levying a Stamp Duty "on certain Law and other Papers and Documents, under the Presidency "of Bombay, and in the Territories subordinate thereto," are to be considered in Force within the Zillahs of Surat and Broach only; and for modifying Part of Section XXXII. of the said Regulation, respecting Petitions to be preferred to the Governor in Council:* PASSED *by the Right Honourable the Governor in Council on the* 14*th August* 1816 *(corresponding with the* 6*th of Shravan, Vud, Sumbut, or Vekramajit Era,* 1872; *Salbahan,* 1738; *and* 19*th of Ramzan,* 1231 *Hejry).*

Preamble.

I. WHEREAS delays have occurred from unavoidable circumstances in preparing and issuing stamped paper of the values prescribed by Regulation XIV. A. D. 1815, and the near approach of the rainy season preventing the Superintendent of Stamps from affording to the Collectors of the Northern Zillahs of Surat and Broach the necessary supplies, so as to enable the Collectors to distribute them throughout their Collectorships in a reasonable time; and whereas it being deemed essential that the operation of the aforesaid Regulation should be postponed within the Northern Zillahs, and that notification of the date thereof should be duly promulgated, in manner and form directed in Regulation I. A. D. 1799; and whereas it is essential to modify such parts of Section XXXII. of the Regulation aforesaid, as relate to the presentation of petitions to the Governor in Council, by exempting all original petitions from the stamp duty; the following enactment has been accordingly passed by the Governor in Council.

Date on which the provisions of Regulation XIV. A. D. 1815, were in force rescinded.

II. So much of the preamble of Regulation XIV. A. D. 1815, as relates to the date on which the provisions of that enactment are considered to be in force, as far as respects the zillahs of Surat and Broach, is hereby rescinded.

And fixed to be on the 21st October 1816.

III. The provisions of Regulation XIV. A. D. 1815, are to be considered in force in these zillahs, from the 21st of October 1816.

Part of Section XXXII. Regulation XIV. 1815, repealed.

IV. Such part of Section XXXII., Regulation XIV. 1815, as requires miscellaneous petitions and applications which may be preferred to the Governor in Council to be written on stamped paper, is repealed.

Petitions to the Governor in Council in the first instance not required to be written on stamped paper.

In what cases they are to be written on stamped paper.

V. Miscellaneous petitions and applications which may be preferred to the Governor in Council in the Revenue and Judicial departments are not required to be written on stamped paper, unless the subject matter of such petitions or applications shall have previously received the consideration and decisions of the Government, or may be preferred in appeal from any of the decisions

decisions of Collectors or Custom-masters and their Assistants, or from the Provincial Court of Appeal or Circuit, or from the Court of Sudder Adawlut or Superior Tribunal, in all which cases they are to be written on stamped paper of two rupees.

A.D. 1816. REGULATION VIII.

A REGULATION *for prescribing the Manner in which Manifests of Goods imported in Dows, Dingeys, Bottellas, and every other Description of small Craft, are in future to be drawn out and delivered into the respective Custom-houses dependent on the Presidency of Bombay:* PASSED *by the Right Honourable the Governor in Council on the* 16*th of October* 1816 *(corresponding with the* 10*th of Asvin, Vud, Sumbut, or Vekramajit Era,* 1872; *Salbahan,* 1738; *and the* 23*d of Zilkad,* 1231 *of the Hejry).*

Preamble.

I. WHEREAS various frauds have been practised on the revenues, in consequence of the manifests of dows, dingeys, and bottellas not containing a true account of the whole of the cargo on board, the following rules have been enacted, to be in force from the date of their promulgation.

Manifest to be delivered in twenty-four hours after the arrival of vessels.

II. Within twenty-four hours after the arrival of all dows, dingeys, bottellas, and every other description of small craft frequenting the harbour of Bombay, and those of the several stations subordinate thereto, the naquedas, syrangs, or tindals, are required to deliver into the Custom-house a true and perfect manifest of treasure and merchandize laden on board, agreeably to the following form, *viz.*

FORM OF MANIFEST.

Manifest of the Cargo of the ..... *from* ....., *Naqueda or Syrang*....., *under* ..... *Colours.*

Packages.	Weight or Quantity.	Description.	Consigned to.	Prime Cost.

Goods imported into Bombay, and carried to subordinates on the same bottom, not having been landed or transhipped, not liable to customs; but all goods not duly manifested shall be liable to confiscation.

III. Goods imported into Bombay and forwarded to subordinate stations on the same bottom as imported, being neither landed nor transhipped in the harbour, are not liable to the established duties of the port; but if all such goods are not included in the manifest, they will be liable to confiscation.

A. D.

A.D. 1816. REGULATION IX.

A Regulation *vesting the Collector at Anjar, his Assistant, and Native Commissioners, with Powers to hear and determine Civil Suits, and with Magisterial Authority for the Apprehension and Trial of Persons charged with Crimes or Misdemeanors:* Passed *by the Right Honourable the Governor in Council on the 6th of November* 1816 *(corresponding with the* 1st *of Kartick, Vud, Sumbut, or Vekramajit Era,* 1873; *Salbahan,* 1738; *and 5th of Zilhij,* 1231 *of the Hejry.)*

Preamble.

I. Whereas, by the 10th article of the treaty concluded between Lieutenant James Macmurdo on the part of the Honourable East India Company, and His Highness Maharaj Merza Bharmuljee Raô of Cutch, on the 14th of January 1816, ratified by His Excellency the Right Honourable the Governor General in Council, on the 9th of March following, His Highness has ceded to the Honourable Company in perpetual sovereignity the fort and district of Anjar with its dependent villages, including Toonar Bunder; and whereas, it is essential that provision should be made for the administration of justice within the territories now dependent on, or which may hereafter be annexed to Anjar; and whereas, considering the detached situation of Anjar, it is deemed advisable to vest in the Magistrate more extended powers for hearing and determining crimes and misdemeanors beyond the powers the Magistrate of the other zillahs are authorized to exercise, and to authorize his Assistant as the Register, and Native Commissioners, to hear and determine offences of a minor description, and to render questions of marriage, adultery, and fornication, cognizable by punchaits, according to the accustomed modes of the country, the following rules have been accordingly enacted.

The Collector, his Assistant as Register, and Native Commissioners, empowered to try and decide all suits and complaints of a civil or revenue nature.

II. The Collector, his Assistant as Register, and Native Commissioners, are empowered to try and decide on all suits and complaints of a civil nature, for money, or personal or real property, or of malguzaree or revenue land, or for lackhirazee or free land, which may arise within the territories which now are, or hereafter may be dependent on Anjar, according to the limitations and forms prescribed by the Regulations for the administration of justice under this presidency, which are hereby declared to be extended to the zillah of Anjar, under such modifications as may be prescribed by the present enactment.

Revenue cases between individuals to be decided by them.

Complaints against them in their official capacities amenable to the Sudder Adawlut.

III. The cognizance of cases of a revenue description, specified in Section II., bear reference only to complaints between individuals, and in which the Company may not be a party; all complaints against the Collector and his Assistant, and native officers, are hereby declared to be amenable to the Sudder Adawlut.

The Collector to receive and file suits of that description, and to report to the Sudder Adawlut.

IV. The Collector is, however, directed to receive and file all suits and complaints referred to in the preceding section, and to forward monthly returns of the same to the Sudder Adawlut, to enable that court to determine upon the necessity of deputing one of the Judges of the Zillah Courts to Anjar, for the trial of the same.

Date from which causes are to be actionable.

V. The Collector is prohibited from hearing, trying, or determining the merits of any civil suits whatever in the zillah of Anjar and its dependencies,

if the cause of action shall have arisen at a period being twelve years antecedent to the 14th day of January 1814, the date on which that district was ceded to the Honourable Company.

Their nature defined.

VI. It is to be understood, that the powers vested in the Collector by the foregoing clause to receive and try suits, in which the cause of action shall have originated prior to the 14th January 1816, are to be restricted to the trial of suits of a private nature between individuals, of which cognizance would have been taken by the courts, officers, or authorities established for the administration of justice under the government of the Raô of Cutch, or of the chieftain of Anjar; and that such powers are not to be considered to extend to authorizing the Collector to take cognizance of any civil suits originating in acts of the former government or of its officers, or in engagements contracted by individuals with the officers of the Raô's government in their official capacities, and of which, according to the usages of their government, cognizance would not have been allowed to be taken by the persons intrusted with the exercise of judicial authority.

Provision in case of doubt.

VII. If the Collector shall entertain doubts whether any suit preferred to him is cognizable by him under the restrictions contained in the preceding section, the Collector shall state the circumstances to the Provincial Court of Appeal; which court shall forward the same, with its opinion thereon, to the Sudder Adawlut; and the Sudder Adawlut shall submit the case to the Governor in Council, and shall abide by such orders as he may pass withregard to the admission or rejection of the suit.

The Collector prohibited from trying suits of earlier dates than twelve years from the 14th January 1814.

Exception.

VIII. After the period of twelve years shall have elapsed from the date of the cession of Anjar, the Collector is prohibited from hearing, trying, or determining the merits of any civil suit, with the exception of the suits described in Sections V. and VI., Regulation III. 1814, if the cause of action shall have arised at a period being twelve years antecedent to the date on which the petition for the institution of such suit shall be presented to the Collector, unless the complainant can shew, by clear and positive proof, that he had demanded the money or matter in question, and that the defendant had admitted the truth of the demand, or promised to pay the money, or that he directly referred his claim within that period to the matter in dispute to a court of competent jurisdiction, or person having authority, whether local or otherwise, for the time being, to hear such complaint and to try the demand; and shall assign satisfactory reasons to the Collector why he did not proceed in the suit, or shall prove that, either from minority or other good and sufficient cause, he was precluded from obtaining redress: Provided, however, that it shall not be competent to the Collector, under the powers vested in him by this clause, to hear, try, or determine the merits of any civil suit whatever, if the cause of action shall have arisen previous to the 14th day of January 1816.

The Collector vested with magisterial powers.

IX. The Collector is also vested with magisterial powers, and authorized to exercise the same, conformably to the provisions contained in Regulation III. 1800, under the following modifications. Previously, however, to his entering upon the execution of the duties of a Magistrate, he shall take and subscribe before the Governor, or the Governor in Council, or such person

To be sworn in previous to entering upon the execution of the office.

as

as may be empowered under his warrant to administer it, the oath prescribed in Section II. of that Regulation.

Magistrate to apprehend murderers and other persons charged with crimes and misdemeanors.

X. It shall be the duty of the Magistrate to apprehend murderers, robbers, thieves, housebreakers and disturbers of the peace, and persons charged before him with crimes or misdemeanors; and he is empowered to hear and determine, without any reference to the Court of Circuit, all complaints or prosecutions brought before him, which may not be of a capital nature, and to punish the parties by fines or imprisonment and hard labour, or the infliction of corporal punishment, according to the nature and degree of each offence and the circumstances of each case; provided such offence shall have been committed subsequently to the date of the cession, the Magistrate being prohibited from taking cognizance of crimes committed prior to that date.

The mode of punishment.

On crimes of a capital nature how to proceed.

XI. Upon a complaint being preferred to the Magistrate against any persons for crimes of a capital nature, the Magistrate shall proceed against the party complained against, and commit him for trial, in the manner prescribed by Regulation III. 1800.

The Magistrate to authorize his assistant to hear and determine certain complaints or prosecutions, and how to punish.

XII. The Magistrate is empowered to authorize his Assistant to hear and determine all complaints or prosecutions of the nature of those described in Sections VII. and VIII., Regulation III. 1800, and to inflict the punishments therein specified: and to his Native Commissioners, petty offences, such as abusive language, calumny, inconsiderable assaults or affrays; provided the corporal punishment to be inflicted shall not exceed fifteen rattans, the imprisonment fifteen days, or the fine fifteen rupees.

The Assistant and Native Commissioners to be sworn in previous to entering upon their duties.

XIII. Previously to the Assistant to the Collector and the Assistant to the Magistrate, and the Native Commissioners entering upon the exercise of their judicial and magisterial duties, they shall take and subscribe before the Collector and Magistrate, in open court, the oaths prescribed by Section III. Regulation IV. 1800, and Regulations II. and VII. 1812.

The Magistrate, his Assistant and Native officers responsible for inflicting punishment on insufficient ground.

XIV. Nothing herein contained shall be construed to relieve the Magistrate from the responsibility attached to him by Section XVI., Regulation III. 1800, for inflicting punishments on insufficient grounds, and which is hereby declared to attach also to his Assistant and Native Officers.

To forward returns of prisoners for trial to the Court of Circuit.

Date upon which the gaol deliveries are to be held.

XV. The Magistrate of Anjar will forward to the Court of Circuit returns of prisoners who may be committed for trial, and the Judge of Circuit will thereon proceed to Anjar to deliver the jail, either on the circuit of the 1st of January or the 1st September in each year, should there be any prisoners for trial, but not otherwise, and at both those periods should the state of the jail require it.

Caste disputes to be tried by punchaits.

XVI. All disputes or complaints respecting caste and moral discipline, that is, questions of marriage, adultery, and fornication, are to be cognizable by Punchaits, or the spiritual heads of tribes, to be convened, and their proceedings to be regulated, conformably to the accustomed modes of the country and the law of the religious persuasion of the parties respectively, should both be of the same, or of that of the defendant, should they be different.

XVII.

Expulsion from caste not to be carried into effect without the confirmation of the Superior Tribunal.

Nor inferior punishment without the confirmation of the Magistrate.

The Magistrate may mitigate but not enhance the punishment decreed by the Punchait.

XVII. Should the futwah of the law officer involve an expulsion from caste, it shall not be carried into effect without the confirmation of the Superior Tribunal, to which court a copy of the proceedings must be forwarded; nor shall any other inferior punishment be inflicted without the approval and confirmation of the Magistrate, who is empowered to mitigate, but in no instance to enhance, the punishment that may be awarded by the Punchait.

Pardon to be granted by the Governor in Council only.

XVIII. No pardon shall, in any instance, be granted, except by the Governor in Council, on a representation of any particular case to his consideration through the Superior Tribunal.

A. D. 1816. REGULATION X.

A REGULATION *for modifying certain Parts of Regulation X.* 1813: PASSED *by the Right Honourable the Governor in Council on the* 11*th of December* 1816 *(corresponding with the* 7*th of Margseer, Vud, Sumbut, or Vekramajit Era,* 1873; *Salbahan,* 1738; *and* 21*st of Mohurrum,* 1232 *Hejry).*

Preamble.

I. WHEREAS a convention of commerce has been concluded between Great Britain and the United States of America, containing certain special provisions for the conduct of the trade of American subjects with the British territories in India, the following rules have been framed into a Regulation, to be in force in the territories immediately dependent on the presidency of Bombay from the period of their promulgation.

The operation of parts of Section III., Regulation X. 1813, modified.

II. It is hereby declared and enacted, that such parts of Section III., Regulation X. 1813, as refer to ships belonging to the United States of America, shall cease during the continuance of the said convention; and the several provisions of the third article thereof, which is herein inserted, shall, during the said period, be observed within the territories immediately dependent on the presidency of Bombay.

Article III. of a convention of commerce.

Article III. of a convention of commerce between Great Britain and the United States of America, signed at London, 3d July 1815:

"His Britannic Majesty agrees, that the vessels of the United States of "America shall be admitted and hospitably received at the principal settle- "ments of the British dominions in the East-Indies, *viz.* Calcutta, Madras, "Bombay, and Prince of Wales' Island; and that the citizens of the said "United States may freely carry on trade between the said principal settle- "ments and the said United States, in all articles of which the importation "and exportation, respectively, to and from the said territories, shall not "be entirely prohibited: Provided only, that it shall not be lawful for them, "in any time of war between the British Government and any state or "power whatever, to export from the said territories, without the special "permission of the British Government, any military stores or naval stores "or rice. The citizens of the United States shall pay for their vessels, when "admitted, no higher or other duty or charge than shall be payable on the "vessels of the most favoured European nations, and they shall pay no "higher

" higher or other duties or charges, on the importation or exportation of " the cargoes of the vessels, than shall be payable on the same articles when " imported or exported in the vessels of the most favoured European " nations.

" But it is expressly agreed, that the vessels of the United States shall " not carry any articles from the said principal settlements to any port or " place, except to some port or place in the United States of America, " where the same shall be unladen.

" It is also understood, that the permission granted by this article is not " to extend to allow the vessels of the United States to carry on any part of " the coasting trade of the said British territories; but the vessels of the " United States having, in the first instance, proceeded to one of the said " principal settlements on the British dominions in the East-Indies, and " then going with their original cargoes, or any part thereof, from one of " the said principal settlements to another, shall not be considered as car- " rying on the coasting trade. The vessels of the United States may also " touch for refreshments, but not for commerce, in the course of their " voyage to or from the British territories in India, or to or from the " dominions of the Emperor of China, at the Cape of Good Hope, the " Island of St. Helena, or such other places as may be in the possession of " Great Britain in the African or Indian seas, it being well understood that, " in all that regards this article, the citizens of the United States shall be " subject, in all respects, to the laws and regulations of the British Govern- " ment from time to time established."

Explanation regarding the vessels of the United States of America being prohibited from touching at or holding any communication with the island of Saint Helena.

III. In explanation of the above article, the Governor in Council deems it proper to give notice, for general information, that the ratifications of the said treaty were exchanged under the explicit declaration and understanding, that the vessels of the United States cannot be allowed to touch at, or hold any communication with the island of Saint Helena, as long as the said island shall continue to be the place of residence of Napoleon Buonaparte.

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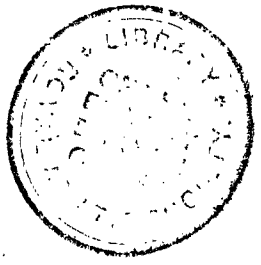

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